

(2006) 01 SC CK 0022

In the Supreme Court Of India

Case No : Criminal Appeal No. 157 of 2006

Raj Kumar alias Raju Yadav alias Raj Kumar Yadav

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 30-01-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 376

Citation : (2006) 9 SCC 589

Hon'ble Judges : Tarun Chatterjee, J; Ashok Bhan, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. The Appellant was, inter alia, charged for commission of the offence u/s 376 Indian Penal Code. The Trial Court convicted the Appellant u/s 376 Indian Penal Code and sentenced him to undergo 7 years' rigorous imprisonment. In appeal, the High Court affirmed the conviction and sentence awarded to the Appellant. The Appellant approached this Court by filing the special leave petition, which came up for hearing on 7-10-2005, when this Court issued notice limited to the question of sentence.

3. Heard the Counsel appearing for the Appellant as well as for the Respondent State.

4. It is stated that the Appellant has already undergone approximately three-and-a half year's incarceration.

5. Keeping in view the fact that there was a delay of three days in lodging the FIR and the fact that the doctor (PW 6), who examined the victim, in her testimony has deposed that she did not find any confirmatory evidence of rape on the victim, in the peculiar facts and circumstances of the present case, we deem it appropriate to reduce the sentence awarded to the Appellant to the

period already undergone. Ordered accordingly.

6. The Appellant be released forthwith if not required in any other case. The appeal stands disposed of accordingly.

Appeal disposed of accordingly.