

(2018) 01 MP CK 0109
In the Madhya Pradesh High Court
Case No : 136 of 2010

Smt. Jyoti Bai

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 02-01-2018

Acts Referred:

Indian Penal Code, 1860, Section 376,
Section 34, Section 506, Section 363, Section 366 - Punishment
for rape - Acts done by sever

Citation : (2018) 01 MP CK 0109

Hon'ble Judges : Rajeev Kumar Dubey

Bench : Single Bench

Advocate : Ashutosh Chaturvedi, AN. Gupta

Judgement

Appellants,Sections (in IPC),Sentence,Fine,Default stipulation

Smt. Jyoti Bai,"363 (two count)

366 (two count)","Five years R.I. for each count

Seven years R.I. for each count","1,000/-

2,000/-","Six months R.I.

One year R.I.

Guddu @ Ranjeet,"363 (two count)

366 (two count)

376 (two count)","Five years R.I.

Seven years R.I.

Ten years R.I.,"1,000/-

2,000/-

5,000/-", "Six months R.I.

One year R.I.

Two years R.I.

Bharat @ Bhaarat, 376, Ten years R.I., "5,000/-", Two years R.I.

studied. In the entries of Scholar register (Ex.P/18 and Ex.P/19) the date of birth of both the prosecutrix (PW/1 & PW/2) is mentioned as 2/08/93,,,,,

and 2/08/92 respectively. There is no reason to disbelieve these entries. From those entries, it is clearly proved that prosecutrix (PW/1 & PW/2)",,,,,

were minor and under 16 years of age at the time of incident.,,,,,

10. Regarding incident prosecutrix No.1 (PW/1) in her statement has clearly deposed that at the time of incident she had come to her house from,,,,,

School where appellant Jyoti Bai met her and forcibly took her and her sister prosecutrix No.2 (PW/2) to appellant Gudda's field and then they,,,,,

took them to Ramla's (uncle of the appellant Gudda) house, where they stayed for one and half hour. Thereafter, appellant Jyoti and Guddu @",,,,,

Ranjeet took them to Kareli and from Kareli to Bhedaghat by train. Next day at 8:00 AM they reached Bhedaghat, where they kept both of them",,,,,

(prosecutrix PW/1 & PW/2) for 8-10 days. Thereafter, they went to Ranjhi, Jabalpur where they also stayed for 4-5 days. During that period at",,,,,

Bhedaghat and Ranjhi appellant Gudda @ Ranjeet committed rape with her. Thereafter, appellant Jyoti and Gudda @ Ranjeet took them to",,,,,

Gotegaon by train. At Gotegaon appellants sent her (prosecutrix No.1) back to her house and prosecutrix No.2 remained with the appellant Jyoti,,,,,

Bai and Gudda @ Ranjeet. When she returned back to her house, she informed about the incident to her mother Umabai (PW/3) and father",,,,,

Bhogiram @ Tularam (PW/4).,,,,,

11. Prosecutrix No.2 (PW/2) also deposed that at the time of incident at 3:00 PM appellant Jyoti Bai came to her house and took her and her,,,,,

sister (Prosecutrix No.1) to Reecha Haar at Guddu's field, where appellant Guddu @ Ranjeet met them. From Guddu's field appellant Jyoti Bai",,,,,

& Guddu @ Ranjeet took her to Ramla's house (uncle of the appellant Gudda) situated at village Cheetapar, from where they took them to Kareli",,,,,

and from Kareli to Bhedaghat by train, where appellant Guddu kept them for 8 days. During that period appellant Guddu committed rape with her.",,,,,

Thereafter, Guddu @ Ranjeet and Jyoti Bai took her to Jabalpur, where they kept her for two days, where appellant Guddu @ Ranjeet committed",,,,,

rape with her. Thereafter, appellant Guddu @ Ranjeet and Jyoti Bai sold her to the appellant Bharat @ Bhaarat at Jabalpur, who took her from",,,,,

Jabalpur to Bhopal by train and kept her in a house at Bhopal. Thereafter, Bharat @ Bhaarat took her to Nahargaon by bus, where he kept her",,,,,

for eight days and committed rape with her. Thereafter, Police came there and rescued her.",,,,,

12. The statements of the prosecutrix (PW/1 & PW/2) are also corroborated by the statements of her mother Smt. Umabai (PW/3) and Bhogiram,,,,,

@ Tularam (PW/4), who clearly deposed that on the date of incident they had gone to sow crops at their field. When they returned from the field",,,,,

to their house at 6:00 PM, their elder daughter Ranu informed that appellant Jyoti Bai had taken the prosecutrix Nos.1 & 2 with her for cutting",,,,,

fodder. They looked out for their daughters, but could not find them. On that, they lodged the missing person report at Police Station Kareli.",,,,,

Thereafter, her daughter prosecutrix No.1 returned back to her house alongwith the appellant Jyoti Bai on 21/07/08. At that time prosecutrix No.1",,,,,

narrated that appellant Guddu @ Ranjeet and Jyoti Bai took her to Kareli and Guddu @ Ranjeet committed rape with her. She also informed,,,,,

them that the appellant Guddu @ Ranjeet sold the prosecutrix No.2 to the appellant Bharat @ Bhaarat. 20 days later Police also took the,,,,,

prosecutrix No.2 at Police Station Kareli, where she also narrated the incident to them. Statement of prosecutrix No.2 is also corroborated by the",,,,,

statement of Ritesh Sahu (PW/9) who deposed that on 19/08/08 he recovered prosecutrix No.2 from the house of Mohan Nath situated at village,,,,,

Chapaner and prepared recovery memo (Ex.P/3).,,,,,

13. There are no important contradictions and omissions in the statements of prosecutrix (PW/1 & PW/2). They had no ulterior motive for falsely,,,,,

implicating the appellants. Nothing has come on record that prosecutrix No.1 & 2 had any prior animosity with the appellants. In the absence of,,,,,

previous animosity or ill-will, prosecutrix No.1 & 2 had no reason to falsely implicate the appellants. So there is no reason to disbelieve their",,,,,

statements, which is also corroborated from other prosecution evidence. From their statements, it is clearly proved that on on 01/07/2008",,,,,

appellants Guddu @ Ranjeet and Jyoti abducted prosecutrix (PW/1 & PW/2) from village Hemara and took them to Kareli, Bhedaghat and",,,,

Jabalpur and in between appellant Guddu @ Ranjeet committed rape with them and appellant Bharat @ Bhaarat took prosecutrix No.2 from,,,,,

Jabalpur to Bhopal and Chapaner where he committed rape with her,,,,,

14. So in the considered opinion of this Court learned trial Court did not commit any mistake in finding appellant Guddu guilty for the offences,,,,,

punishable under Section 363, 366 and 376 of IPC, appellant Jyoti for the offences punishable under Section 363, 366 of IPC and appellant",,,,

Bharat @ Bhaarat for the offence punishable under section 376 of IPC.,,,,

15. As far as the sentences are concerned, learned trial Court sentenced appellant Guddu @ Ranjeet and Jyoti for the offence punishable under",,,,

section 363 of IPC for 5 years R.I. (in two counts) under section 366 of IPC (in Two Counts) for 7 years and also appellant Guddu @ Ranjeet,,,,,

for the offence punishable under Section 376 of IPC (in Two Counts) for 10 years R.I. and appellant Bharat @ Bhaarat for the offence punishable,,,,,

under Section 376 of IPC for 10 years R.I. It is evident from the prosecution evidence that the appellants Jyoti and Guddu @ Ranjeet abducted,,,,,

prosecutrix Nos. 1 & 2, who were under 16 years of age at the time of incident and appellant Guddu @ Ranjeet also committed rape with them",,,,

and appellant Bharat @ Bhaarat committed rape with prosecutrix No.2. So in the considered opinion of this Court learned trial Court did not,,,,,

commit any mistake in awarding above mentioned sentences to the appellants, which is quite adequate and this Court does not find any reason to",,,,

interfere with the sentences given by the trial Court.,,,,

16. In the ultimate analysis I find no merit in both the appeals and consequently both the appeals stands dismissed. The period of custody during,,,,,

trial shall be adjusted towards the period of substantive sentence of imprisonment. All jail sentences shall run concurrently.,,,,

17. A copy of this judgment be placed in the record of Cr.A.No.136/2010. Certified copy as per rules.,,,,