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**(2008) 01 BOM CK 0155**  
**In the Bombay High Court**  
**Case No : Criminal A. No. 205 of 2006**

Suresh Govinda Nagdeve and Another APPELLANT  
Vs  
State of Maharashtra RESPONDENT

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**Date of Decision :** 14-01-2008

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 376(2), 506(2)  
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —  
Section 3(1)

**Citation :** (2008) CriLJ 2943

**Hon'ble Judges :** S.R. Dongaonkar, J

**Bench :** Single Bench

**Advocate :** S.G. Karmarkar, for the Appellant; A.K. Thakare, Assistant Public Prosecutor, for the Respondent

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## Judgement

S.R. Dongaonkar, J.—The appellant No. 1 Suresh and appellant No. 2 Hivraj are taking exception to the judgment and order of conviction and sentence recorded by the learned First Ad-hoc Additional Sessions Judge, Gondia, dated 29-3-2006 in Sessions Trial No. 72/2004 by which he has convicted these appellants for the offence punishable u/s 376(2)(g) of the I.P.C., and appellant No. 2 Hivraj being convicted for the offence punishable u/s 506(II) of the I.P.C. in addition. They were sentenced to suffer R.I. for 7 years and to pay fine of Rs. 2000/- in default to suffer R.I. for 6 months for the offence u/s 376(2)(g) of the I.P.C.

2. Brief facts leading to the prosecution of the appellants were that; they are resident of Boda, Tah. Tiroda, District Gondia. Prosecutrix Sangharsha PW-1 is a minor girl aged about 15 years. At the time of incident, her father was serving in Mahindra & Mahindra Automotive concern at Nagpur. She along with her mother PW-3 Sangita, brother, sister and grandfather were residing at Boda. Her grandfather owned agricultural land at the same place. The same is situated at a short distance from their residential house. The house of present appellant No. 1 faces the house of the prosecutrix. Both are acquainted with each other. Prosecutrix Sangharsha used to call him as "Ajoba" (grand-pa) with respect.

There is one juvenile offender by name Durga who is also alleged to have committed this offence. He was working as labourer with (accused No. 2) appellant No. 2 Hivraj who resides at Sejgaon. On 1-10-2004, father of the prosecutrix had asked appellant Suresh to hire oil-engine for irrigating his land, as his oil engine was out of order. After giving such instructions, her father had gone to Nagpur to attend his duties. On 1-10-2004 i.e. the date of incident, the appellant Suresh and the juvenile offender Durga (against whom the charge sheet was submitted before the Juvenile Court) hired the oil engine and at about 10 p.m. the same was installed in the field of the prosecutrix Sangharsha. Appellant No. 2 Hivraj was engaged to operate the said engine for irrigation purpose. At about 10.30 p.m. prosecutrix Sangharsha (PW-1), her mother PW-3 Sangita, sister Priyadarshana, brother Vyankesh and Dakshina, wife of appellant No. 1, went to the field. At about 11 p.m., oil engine started working. At that time prosecutrix Sangharsha and the juvenile offender Durga got wet. They went to their houses and returned after changing the clothes. Little after midnight at about 1.30 a.m., appellant Suresh requested PW-3 Sangita to bring tea. Thereafter Dakshina, her younger brother etc., went to the home. Appellant Suresh also asked prosecutrix Sangharsha to show the area of the field to be irrigated. Thereafter, as the mother of the prosecutrix etc., had gone to the house, the present appellants and the juvenile offender Durga and the prosecutrix Sangharsha remained in the field. At about 2 a.m., prosecutrix showed the field area to juvenile offender Durga. Appellant No. 2 Hivraj came there, so also appellant No. 1 Suresh. Prosecutrix Sangharsha thereafter went to another Dhura. It is alleged that appellant No. 2 Hivraj followed her. It is alleged that, all of a sudden, appellant No. 2 Hivraj embraced prosecutrix and started pressing her breast. She raised hue and cry. Appellant No. 2 Hivraj gagged her mouth. At that time juvenile offender Durga came to the spot. Prosecutrix Sangharsha requested him to rescue her, but, it is alleged, she was asked to keep quiet. Appellant Hivraj threatened her of dire consequences, even to chop off by Tangya and bury her in Nallah. It is alleged that she was held firmly when juvenile offender Durga removed her slack and underwear. Appellant Hivraj firmly held her on his thigh while juvenile offender Durga raped her. It is also alleged that he bit on her breast. Prosecutrix Sangharsha tried to raise cry, however, appellant Hivraj gagged her mouth. Then appellant Suresh raped her. He was followed by juvenile offender Durga to again rape her, so also such act was done by appellant Hivraj. All these rapes by these three persons were committed by threatening her to kill. It is alleged that meanwhile Priyadarshana came to the spot and gave call to the prosecutrix Sangharsha, however, she could not respond because of the threats and because appellant Hivraj had gagged her mouth. Thereafter she was made free because her mother was to bring tea. She immediately returned to her home and narrated the entire incident to her mother Sangita. She was weeping. At that time her neighbours gathered there. They were made aware of the incident by the prosecutrix Sangharsha. These neighbours include PW-4 Bholaram and PW-6 Babu amongst others. Then she was taken to the police station where she lodged report orally

which was got recorded by A.P.I. PW-9 Bhaurao. Offences under Sections 376(2)(g) and 506 of the I.P.C. were registered against the accused vide Crime No. 65/2004. It was registered at about 7.30 a.m. on 2-10-2004. Prosecutrix Sanghar-sha was then sent for medical examination to B.G.W. Hospital at Gondia, however, the Doctor refused to examine her as her parents were not present. Thereafter, when she was again sent for medical examination with her mother, Medical Officer PW-7 Dr. Sayas Kendre examined her and issued certificate of her medical examination. She also collected vaginal swab as well as blood samples for investigation. During investigation, spot panchnama was prepared in presence of PW-4 Bholaram vide Exh. 42. Accused persons were arrested and they were also medically examined by PW-2 Dr. RajendraTripathi, who had issued certificates in respect of the medical examination of the accused i.e. present appellants as well as juvenile offender; as per Exh. 35, 36 and 38. After due investigation, the appellants were charge sheeted and juvenile offender Durga was sent to Juvenile Justice Board for trial.

3. The learned Additional Sessions Judge framed charge against the present appellants for the offence punishable under Sections 376(2)(g) and 506 of the I.P.C. so also u/s 3(1)(x) of S.C. & S.T. (Prevention of Atrocities) Act, against appellant Hivraj. The same was explained to the appellants. They pleaded not guilty to the same. Their defence is that of total denial and false implication on account of the fact that appellant Suresh and his wife were living with the husband of PW-3 Sangita at Nagpur and this was not liked by her. It is claimed by the appellant Hivraj that he is innocent and he has been falsely implicated.

4. During the course of the trial, the prosecution examined in all 9 witnesses. PW-1 Sangharsha is the prosecutrix herself who has lodged report to the police station as per Exh. 28, upon which offence was registered as per Exh.29. PW-3 Sangita is her mother to whom she had narrated the incident after going to home. PW-4 Bholaram and PW-6 Babu are the neighbours of the prosecutrix, who had allegedly heard prosecutrix Sangharsha telling about the incident to her mother. PW-2 Dr. Rajendra Tripathi had examined all the three accused and issued medical certificates of their examination. PW-7 Dr. Sayas Kendre is the Medical Officer who had examined prosecutrix Sangharsha and issued certificate of her medical examination (Exh.52). PW-5 Ghanshyam is the witness in whose presence the clothes of the prosecutrix were seized. PW-8 Kashiram is the witness who is employee of Gram Panchayat Boda, who had issued the certificate of birth register in respect of a daughter born to one Bhaiyalal Nagdeve (father of the prosecutrix) on 13-12-1989. PW-9 A.P.I. Bhaurao is the I.O. He registered the offence upon the report of prosecutrix Sangharsha and carried out the investigation by preparing spot panchnama, collecting the samples of blood, vaginal swab, pubic hairs etc. as collected by the Medical Officer Dr. Sayas Kendre. He has also got drawn the map of the spot of incident Exh. 58 through the Revenue Inspector and after collecting the C.As. report of the relevant articles by sending them to C.A., he has submitted the charge sheet.

5. The appellants did not adduce any evidence in their defence.

6. It may be mentioned that the juvenile offender Durga was proceeded before the Juvenile Board and as per observations in the judgment of the learned trial Judge, he was released by the Juvenile Board by imposing a fine of Rs. 1,500/-.

7. Learned trial Judge found that the age of the prosecutrix is proved to be below 16 years. He also found that the F.I.R. lodged by the prosecutrix has corroborated the version of the prosecutrix as regards incident, so also the medical evidence. According to him, the date of birth of the prosecutrix is properly established and although there was no ossification test carried out, the age of the prosecutrix can be said to be below 16 years of age as her date of birth appears to be 6-12-1989, whereas the incident had taken place on 2-10-2004. He further found that the case of forcible intercourse is established and the girl of tender age was ravished by these three adults, and therefore, though the juvenile offender was released on the fine of Rs. 1,500/-, he held the appellants guilty of the aforesaid offences and sentenced them accordingly.

8. This judgment of conviction and sentence is challenged by the appellants in the present appeal.

9. Learned Counsel for the appellants Shri S.G. Karmarkar has contended that the age of the prosecutrix is not clearly established. The school leaving certificate of the prosecutrix though seized was not placed on record. The record of Gram Panchayat is not properly proved and therefore, the factum of age of the prosecutrix below 16 years is not established. According to him, considering the totality of the prosecution case, there is inherent improbability in the case. According to him, the relation of appellant Suresh with the prosecutrix is such that she was calling him grand-pa, so he would not have committed rape on her, muchless to cause others to commit rape on her in his presence. Further, according to him, the medical evidence totally falsifies the case of aforesaid rape inasmuch as there are no injuries found on the person of the prosecutrix. It is also his contention that considering the map of spot which is produced on record, had the prosecution case been true, there would have been more injuries found on the person of the prosecutrix. According to him, the reasons recorded by the learned trial Judge to convict the appellants are not proper. According to him, in any case, the case against the appellants is not established beyond reasonable doubts and there are inherent weaknesses in the prosecution case and therefore, though the allegations are serious, the appellants will have to be accorded benefit of doubt.

10. Learned Counsel for the appellants has relied on the judgments of this Court reported in 2006 Cri LJ 358 : AIR 2006 Bom R 218 [Rajkumar Bodule and Anr. v. State of Maharashtra], wherein it was found that when there were allegations of forcible rape on the stone quarry and when there was no external injury on her person, the medical evidence negated the case of the prosecution, and the accused would be entitled for acquittal. Bhagwan Charan Mate Vs. State of

Maharashtra, wherein this Court has held in paras 8, 9, 10 & 11 thus-

8. The prosecutrix has deposed that she was taken initially by holding her hand and later on by lifting her through the lane where she either did not raise shouts or call for help. Even the prosecutrix claims that she was dragged and forcible rape was committed, however, in evidence forcible sexual marks of assaults on sexual organs are not seen.

9. The medical evidence is saying that there are no injuries on her private part as well the doctor opined that the sexual intercourse has not taken place much less whether it was in the nature of forcible act of sexual assault.

10. It is also seen that the Chemical Analyzer's report is not supporting and corroborating the story brought by the prosecutrix.

11. The collective effect of what is found from the evidence is that the conviction and sentence is not based on facts positively proved. The quality of evidence that has come on record creates a grave doubt about involvement of the accused in the offence and entire story becomes doubtful instead of positively proving facts whatsoever in support of prosecution. The accused is, therefore, entitled to the benefit of doubt.

is also referred to contend that the appellants would be entitled for benefit of doubt, in such circumstances.

11. Per contra, learned A.P.P. has supported the reasons recorded by the learned trial Judge to convict the appellants. He has also relied on the judgment of this Court reported in *Rajesh Namdeo Mhatre Vs. State of Maharashtra*, and the decisions of Apex Court in *State of Himachal Pradesh Vs. Shree Kant Shekari*, and *Om Prakash Vs. State of U.P.*, to contend that the testimony of the prosecutrix can be relied upon even in absence of corroboration. According to the learned A.P.P., from the absence of injury on the private part of the prosecutrix, her consent cannot be inferred. He has submitted that merely because there were no injuries on the private part of the prosecutrix, it would not be possible to infer consent. In a case of gang rape, the victim is not expected to have given continuous resistance resulting in sustaining numerous injuries even on private part of her body. According to him, the learned trial Judge has taken the correct view of the matter and therefore, the judgment of conviction and sentence impugned in this appeal needs to be maintained.

12. It is necessary to bear in mind that although no corroboration to the evidence of the prosecutrix is necessary, still it has to be reliable for basing conviction. If there is any doubt about its reliability and trustworthiness, such evidence cannot be treated as a basis for conviction of the accused.

13. Here is the case where three persons, one of them being neighbour of the prosecutrix, are alleged to have committed rape on the prosecutrix. It is necessary to note the contents of the F.I.R. as regards actual incident. It is stated that when the prosecutrix was showing Khandi to Durga (Juvenile

Offender) at 2 a.m., she saw appellant Suresh, secretly coming along with Dhura. When it was asked as to whom was there by giving a call, Suresh spoke when she went towards another Dhura. Appellant Hivraj (Yuvraj) came there and he asked appellant Suresh to go and inspect Khandi. Thereupon appellant Suresh went up to short distance. At that time appellant Yuvraj (Hivraj) pressed her breast by catching hold of her. She raised shouts. Then he pressed her mouth. Thereafter Juvenile offender Durga came from another Bandhi. When she asked him to rescue her, he asked her to keep quiet and not to shout. Engine driver (appellant Hivraj) threatened to cut her with Tangya. Thereafter juvenile offender removed her slack and underwear and appellant Hivraj made her to lie on his thigh by tightly holding her. Then juvenile offender removed his clothes, laid on her person and committed rape. Thereafter, she alleges, appellant Suresh removed his clothes and committed rape on her. Then again it is alleged that juvenile offender Durga raped her, so also engine driver appellant Yuvraj (Hivraj) felled her on Dhura and by threatening her to kill, committed rape on her. At that time her younger sister Priyadarshana came towards the field. This would mean that all the three offenders, one after another, raped her and forcibly committed sexual intercourse with her. It is obvious that both these appellants and the said juvenile offender Durga were known to her. In fact appellant Suresh is stated to be her relative. In these circumstances, there appears inherent improbability of commission of the offence by the appellants. But, this may not make the allegations impossible, but the same need to be accepted with great caution.

14. It is pertinent to note that it is the case of the prosecution that the prosecutrix went to the house where she narrated the incident to her mother and thereafter the neighbourers came there and the prosecutrix narrated the incident to the neighbourers including PW-4 Bholaram and PW-6 Babu. PW-4 Bholaram and PW-6 Babu have stated that they heard PW-1 Sangita's weeping and when asked, she told that the appellants and Durga have spoiled her. It is the case of PW-3 Sangita that when these neighbourers came, Sangita narrated the Incident to the neighbourers. The details of what prosecutrix had told to these witnesses have not been deposed by them.

15. It is a strange case where Initially the mother of the prosecutrix PW-3 Sangita did not accompany her to the hospital, therefore, she could not be examined In the morning. The learned trial Judge has and perhaps rightly criticized the conduct of the I.O. in conducting the investigation in not making this PW-3 Sangita to accompany the prosecutrix Sangharsha to the hospital.

16. At this stage, it is necessary to see the spot of occurrence. It is Exh. 58, which shows that the spot of occurrence was none the less than "Dhura" between two fields. The case of the prosecution is that at least Appellant Yuvraj (Hivraj) had made her to lie down on the ground and committed rape on her. With these background in mind, It is necessary to assess the evidence of PW-7 Dr. Sayas Kendre, who had examined the prosecutrix. On her examination, he noticed the following;

1) History of forceful intercourse for thrice on 2-10-2004 at 2 a.m. Secondary sexual characters well developed;

2) abrasion over left breast 1 x 2 cm. red colour with swelling present.

2. On internal examination hymen was absent. No evidence of injury over vagina and vulva.

3. On P.V. Examination, vagina admits two fingers.

4. The abrasion over left breast was recent. It might have caused due to teeth or nail.

Vaginal secretion, pubic hair and blood samples was taken, sealed and handed over to L.P.C.

17. In cross-examination, this witness has stated that the injury on breast is possible by forceful itching. It may be by self or by any person. He also stated that he came to know about the history from the victim. He also specifically stated that, "it is true on examination, I opined that it was difficult to comment whether sexual Intercourse had taken place or not". He stated that it was not necessary that injury must cause if minor girl like victim is ravished. According to him, if a well developed lady is raped, injury may not be found. He specifically further testified that he has not mentioned the fact that a well developed lady may not receive Injury during rape. What is necessary to note is his answer, "I have given wrong opinion that Injury may not occur".

18. This is a case where three strong built persons have alleged to have committed rape on the prosecutrix in the field (on "Dhura"). At least appellant: Hivraj is alleged to have made lie her down on the ground and raped her forcibly. But from the medical evidence, it is apparent that there were no injuries found on the person, of the prosecutrix, which could have been possible; had she been made to lie down on the earth and then forcible rape was committed on her, particularly when, according to the prosecutrix vide her cross-examination, Tur crops are generally taken on Dhura. Therefore, more injuries would have caused on her person on the backside.

19. Here is the case where the possibility of other persons being in the vicinity cannot be overruled, because the prosecutrix herself has admitted that, it was true that due to shortage of water, the adjoining field owners had also installed water pumps on Nallah and to carry water in the field. Though, as per suggestion, it cannot be presumed that because of Assembly Election, the persons would have been in the vicinity, the possibility of other persons being in the vicinity because they were to irrigate their land cannot be overruled. It would make allegations of such incident impossible. It cannot also be lost sight of the fact that there are some material omissions in her statement, (report before the police)

20. Once again turning to the evidence of PW-7 Dr. Sayas Kendre, he has found

on internal examination that hymen was absent. He also found that there was no evidence of injury over the vagina and vulva. The rape by 3 persons with no history of earlier sexual intercourse would definitely cause some injury to her private parts. The absence of hymen has also not been explained by the said Medical Officer. Had the incident of forcible rape been the first incident of sexual intercourse, there would have been definitely a fresh tear of the hymen. When there are no relevant injuries, and when the Medical Officer is unable to opine as regards sexual intercourse, whether it has taken place or not, it is difficult and unsafe to accept the uncorroborated testimony of the prosecutrix for basing conviction.

21. The learned A.P.P. has contended that the report is lodged immediately after the incident and therefore, the report corroborates the version of the prosecutrix. As such, the same can be relied upon for basing conviction.

22. In this behalf, it is necessary to note that in cross-examination the prosecutrix Sangharsha has stated that accused/appellant Suresh used to work in her field, so also his wife. Accused Suresh and his wife resided jointly at Nagpur. Although she denied the suggestion that her mother disliked the stay of Dakshina, wife of the appellant Suresh, with her father, the annoyance can be inferred. It cannot be forgotten that PW-3 Sangita in her cross-examination has stated that accused Suresh (appellant) and his wife resided together with her husband at Nagpur for one year. She denied the suggested annoyance saying that it was not true that since wife of Suresh was residing with her husband, she was annoyed and quarrel was taken place over that issue.

23. The learned trial Judge has taken a view that in the circumstances of the case, the evidence of the prosecutrix can be accepted for basing the conviction. He also found that age of the prosecutrix is proved to be below 16 years and therefore, there is no question of consent. It is apparent that the case of the appellant is that of false implication, it is not a case of the sexual intercourse with consent. Therefore, the question of consent would be inconsequential in the present case. Only question would be whether the forcible rape by the appellants has been established. In my opinion, though there is some ground to say that the F.I.R. was lodged immediately after the alleged incident, in the circumstances of the case, when medical evidence in respect of medical examination of the prosecutrix does not support the prosecution case, merely because the report appears to be lodged soon after the alleged incident, that fact by itself will not be sufficient for the inference of guilt of the appellants.

24. At this stage, it is necessary to refer the medical certificate issued by PW-2 Dr. Rajendra Tripathi in respect of the appellants. In his evidence, he has stated that all the three accused i.e. the present appellants and the juvenile offender Durga were capable of performing normal sexual intercourse. There was absence of smegma and therefore, they might have committed sexual intercourse. There was no semen over penis or injury over the penis. There is no evidence of injury or abrasion over the penis. All these factors would show that there were no

corresponding injuries on the person and the private parts of the appellants and the juvenile offender. The absence of such injuries on all the accused would definitely cast doubt on the prosecution case.

25. Learned trial Judge has referred to the CAs. report. In the first place the seizure of the relevant articles is not properly established. Even if it is assumed for a moment to have been established, it would be seen that the CAs. report also does not corroborate the prosecution case materially. It would be seen from Exh.60 C.A. Report that the vaginal swab and pubic hairs samples of the prosecutrix did not contain semen or spermatozoa. The CAs report in material particulars does not support the prosecution case except one i.e. Article 5 Jangya was bearing some blood stains and semen.

26. The learned trial Judge has strongly relied on the finding of semen stains on the Jangya.

27. To appreciate this evidence, it is necessary to be conscious with the fact that it is the case of the prosecutrix that Jangya was taken out before committing sexual intercourse by the present appellants and the juvenile offender. Therefore, it is doubtful, whether in such circumstances, the stains of semen could come on Jangya. It is further necessary to note that the blood group of this semen has not been established to be that of any of the accused/appellant. Therefore, this evidence cannot, in my opinion, conclusively lead to the guilt of both the appellants muchless any of them.

28. In this view of the matter, the authorities referred to by the learned Counsel for the appellants would support his case, whereas the authorities relied by the learned A.P.P. would not come to the help the prosecution for making the acceptance of the evidence of the prosecutrix to base the conviction. In my opinion, it would be highly unsafe.

29. It is true that the offence alleged against the appellants is serious. It is also true that the alleged report was lodged immediately after the incident and the Juvenile offender Durga has been fined to pay Rs. 1500/- for the said offence, but those facts by themselves, in absence of sufficient corroboration of medical evidence and forensic investigation results, would not invite conviction as it would be highly dangerous and unsafe to base the conviction on such evidence of the prosecutrix.

30. It has rightly observed by the learned trial Judge that the I.O. has not performed his duty properly by sending the mother of the prosecutrix with her to the Medical Officer for giving consent for medical examination. The learned trial Judge has also rightly observed that the allegations of the offence under Atrocities Act are also not established against the appellant No. 2. The State has not preferred any appeal to challenge the acquittal of appellant No. 2 for the offence u/s 3(1)(x) of the S.C. & S.T. (Prevention of Atrocities) Act and therefore, that aspect need not be considered by this Court.

31. Suffice it to say that evidence on record though raises a strong suspicion against the appellant, the same is not sufficient for convicting the appellants. It cannot be forgotten that the suspicion howsoever strong cannot take place of proof and no judicial decision can rest on mere suspicion. The prosecution story "may be true" and "must be true" there is inevitably a long distance to travel and the whole of this distance must be covered by legal reliable and unimpeachable evidence. It is also necessary to bear in mind that, no Judge can take any fact as proved unless there is a legal proof. The moral conviction cannot be a legal conviction unless it is supported by unimpeachable and legally admissible evidence on record.

32. In my opinion, therefore, it is not possible to say that the view taken by the learned trial Judge is the only view that can be taken on the basis of the evidence led by the prosecution. The other view is equally possible. In these circumstances, it cannot be said that the prosecution has established the case against the appellants beyond reasonable doubts. As such the appeal needs to be allowed.

33. The appeal is allowed. The impugned Judgment of conviction and sentence rendered by the learned 1st Ad-hoc Additional Sessions Judge Gondia, in Sessions Trial No. 17/2004 is hereby set aside for the offence u/s 376(2)(g) and Section 506(II) of the I.P.C. Their conviction and sentence are set aside and they are acquitted. They are set at liberty forthwith. The fine amount, if any, paid by the appellants be refunded to them.

34. Let me add before parting with the judgment. Facts of this case as in many other invite criticism on the manner of investigation conducted. It is needless to reiterate that it is duty of State to see that no innocent person is required to face criminal trial, at the same time no guilty or offender should be able to escape from punishment or action provided by law"; enacted by Legislature. It would be a nightmare for the innocents if they are required to undergo the criminal trials and remain in Jail for the offences they have not committed. At the same time, if the offenders are allowed to escape punishments because of lapses and negligence in investigation, it would be detrimental to the law and order in the Society and also cause a slur on law implementing agencies and consequently on State administration.

35. It is, therefore, desirable to have periodic noticing of the observations in the judgments of the Courts about investigation and I.Os. concerned. Officers in the State Administration/Directorate of Public Prosecution/Home Deptt., need to take required measures so that there would not be wrong prosecutions as well as unjust acquittals. It would definitely prevent lapses/negligence in investigation which, at times, are because of no fear of any action and of undesirable impunity. It ultimately would save common people rising distrust, in administration and eroding ultimate faith in democratic values enshrined in Constitution of India and Rule of law. It would also be necessary for preventing them from taking law in their hands which is unfortunately becoming, now a

days, a feature of life. It is, therefore, necessary, if not, mandatory to devolve a system of periodic review of the results of the investigations done by the investigating officers, precipitating through judgments of Courts. Can a common man expect all this, to have a secured, peaceful life by check on antisocial elements?