



2026:AHC:76493

Reserved on 10.3.2026

Delivered on 8.4.2026

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3129 of 1986

Amar Nath Singh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Ronak Chaturvedi(ac), T.d. Singh
Counsel for Respondent(s) : A.G.A.

Court No. - 85

HON'BLE MANOJ BAJAJ, J.

1. Appellant-Amar Nath Singh is aggrieved against the judgment of conviction and order of sentence dated 9.12.1986 passed by IInd Additional Sessions Judge, Azamgarh in Sessions Trial No. 72 of 1985, arising out of Case Crime No. 124 of 1984, under Section 376 I.P.C., registered at Police Station Maharajganj, District Azamgarh, whereby he stands convicted and sentenced to seven years rigorous imprisonment alongwith fine of Rs. 5,000/-, and in the event of default, he has been ordered to undergo further rigorous imprisonment of one year.

2. The above F.I.R. was registered on the basis of a written complaint by prosecutrix submitted before Station House Officer Maharajganj, District Azamgarh, who stated that she is a resident of village Molanapur Prathvipal, Police Station Maharajganj and used to take her goat for grazing at Sivan. On 7.10.1984 at around 5:00 p.m., I took my goat for grazing on the eastern side of village in a mango orchard, where my mother at some distance was cutting grass. Amar Nath Singh @ Jhinku Singh s/o Bansh Gopal Singh, who belongs to our village was also

working nearby in his agricultural fields. My goat entered the Pigeon Pea fields of Chandrika Master, So I went there, then suddenly Jhinku Singh came lifted me and took inside the Pigeon Pea fields. I struggled and screamed, but he threw me on the ground and lifted my clothes (*Peticoat and Sari*) and raped me. On hearing of screams, my mother and Gayatri Singh s/o Ram Aadhar Singh , Ram Chandar Singh s/o Shiv Poojan Singh came there at the spot and on seen them, he ran away towards his house. I was bleeding and could not walk before I fainted. I was brought by other persons and as it was late night, no vehicle was available to reach police station. My mother brought me to Parshurampur Hospital by Rickshaw where doctor refused treatment and asked to go to police station. The complainant alongiwth her mother reached the police station by Rickshaw to lodge the report. Broadly, on these allegations, the F.I.R. was registered against the accused for alleged commission of offence punishable under Section 376 I.P.C.

3. After registration of the F.I.R., the investigation in the case was conducted by Investigating Officer namely, Mukteshwar Singh, who recorded the statements of witnesses namely, Gayatri Singh and Ram Chandar Singh. During investigation, the injury report was collected and the site plan was also prepared. The statements of other formal witnesses were also recorded and finally the charge sheet was filed against the accused under Section 173(2) Cr.P.C. thereby sending him to face prosecution for commission of offence of rape.

4. Thereafter, the case was committed to the court of sessions and vide order dated 10.10.1985 the charges against the accused were framed for alleged commission of offence punishable under Section 376 I.P.C. The appellant-accused pleaded not guilty and claimed trial.

5. The prosecution in order to prove the guilt of the accused had examined five witnesses namely, Katwari-victim (P.W.-1), Ramchandar (P.W.-2), S.I. Mukteshwar Singh (P.W.-3), Dr. S.D.P. Gupta (P.W.-4) and Dr. B. Kumar (P.W.-5). Besides, the prosecution also adduced documentary evidence i.e. written complaint (Exb.Ka-1), site plan

(Exb.Ka-2), recovery memo (Exb.Ka-3), Charge Sheet (Exb.Ka-4), check report (Exb.Ka-5), Carbon Check report (Exb.Ka-6), X-Ray report (Exb.Ka-7), medical report (Exb.Ka-8) and supplementary medical report (Exb.Ka-9), which were proved by the relevant witnesses prosecutrix (P.W.-1), Investigating Officer- Mukteshwar Singh, Dr. B. Kumar (P.W.-5) and Dr. S.D.P. Gupta (P.W.-4).

6. After completion of the prosecution evidence, the statement of accused-appellant was recorded under Section 313 Cr.P.C. on 13.11.1986, who denied the prosecution evidence and pleaded false implication. No evidence was adduced by the accused-appellant in defence.

7. Upon analyzing the prosecution case, evidence and other material on record, the trial court proceeded to convict the appellant-accused under Section 376 I.P.C. and sentenced him to seven years rigorous imprisonment alongwith fine. Aggrieved against the judgment of conviction and order of sentence dated 9.12.1986, the appellant preferred this appeal.

8. Mr. Ronak Chaturvedi, Advocate being Amicus Curiae appeared on behalf of appellant and argued that the complainant has falsely implicated the appellant in this case at the behest of witnesses namely, Ramchandar Singh and Gayatri Singh, who have a dispute with appellant's father namely, Bansh Gopal Singh and father of prosecutrix namely, Rampati Kahar was an employee of both these persons. Learned counsel submits that there are material contradictions in the statements of prosecution witnesses as Ramchandra (P.W.-2) does not mention about the presence of the mother of the prosecutrix at the place of occurrence, whereas prosecutrix (P.W.-1) stated that on hearing her cries, her mother alongwith Gayatri Singh arrived at the spot. Learned counsel for the appellant has referred to the site plan to argue that according to the version of prosecutrix (P.W.-1), her mother was working at Point-D, which is vacant land of the accused from where she alongwith Gayatri Singh arrived at the spot, and the witness Ram Chandra (P.W.-2), who

was working at Point-C also reached there, but the presence of the mother and Gayatri Singh is not mentioned by Ram Chandra (P.W.-2) in his deposition before the trial court.

9. Learned counsel for the appellant submits that though according to the prosecution, mother of the prosecutrix alongwith Gayatri Singh arrived at the place of occurrence, but during trial they were not examined as prosecution witnesses and this omission renders the prosecution case doubtful. Learned counsel has argued that the medical evidence does not conclusively support the prosecution case as Dr. B. Kumar (P.W.-4) in her deposition clearly mentioned that the injuries suffered by the prosecutrix could be caused by a fall also. Learned counsel submits that the evidence adduced by the prosecution suffers from major discrepancies and the onus has not been discharged by the prosecution beyond doubt, therefore, the benefit of doubt ought to have been extended to the accused by the trial court. He prays that the impugned judgment of conviction as well as order of sentence dated 9.12.1986 be set aside, and the appellant be acquitted of the charges.

10. On the other hand, Mr. Sanjay Singh, learned A.G.A.-I has argued that the material witness P.W.-1 (prosecutrix) has candidly supported the prosecution case by identifying the accused involved in commission of crime against her, and further, the victim suffered injuries as a result of use of force by accused, which are proved by Dr. B. Kumar (P.W.-5). Learned A.G.A. has referred to the testimony of Dr. S.D.P. Gupta, Radiologist (P.W.-4) to argue that the age of the prosecutrix was below 15 years., therefore, according to him, the prosecution evidence has proved the charges against the accused beyond doubt, and analyzing the entire evidence on record, the trial court has rightly convicted the appellant under Section 376 I.P.C. He prays that the appeal be dismissed.

11. Learned counsel for the parties have been heard and with their assistance, case file and the trial court record has been perused carefully.

12. Upon hearing the learned counsel for the parties and considering their submissions, this Court finds that the appellant was put to trial for raping the prosecutrix (victim) by use of force and the occurrence took place in an agricultural field where the victim was grazing her goat and accused came there and committed the alleged crime. The entire case of the prosecution relating to the occurrence dated 7.10.1984 at around 5:00 p.m. is primarily based on the testimony of the prosecutrix. A perusal of complaint dated 8.10.1984 (Exb.Ka-1) shows that the victim specifically named the accused-appellant, who raped her and as a result of commission of crime, she suffered profuse bleeding and injuries. The version contained in F.I.R. is reiterated by the prosecutrix when she appeared during trial as P.W.-1. This material witness was subjected to lengthy cross-examination by the defence, but her testimony has gone unimpeached and the witness candidly stood by her stand, accusing the appellant involved in commission of crime against her.

13. According to the version of the prosecutrix, when her goat was grazing, her mother was also working at some distance nearby a field and accused-appellant was also working in his agricultural field. The witness deposed that the accused forcibly put her on the ground and after lifting her clothes raped her. The prosecution case is further supported by the medical evidence as well as medical examination of victim conducted on 8.10.1984 at Women Hospital, Azamgarh (Exb.Ka-8) reveals that her pervaginal examination shows laceration (lacerated wound 0.5 cm X 0.3 cm X muscle deep over the vagina). The medical report by Dr. B. Kumar (P.W.-5) has mentioned that the victim suffered bleeding and her hymen was freshly torn (ruptured). *Fourchette* was also lacerated with 0.3 cm X 0.3 cm X muscle deep injury and pervagina examination was painful.

14. Apart from this, injury was found present in the shape of abrasion on both sides of "*laviamajora*" as well as over "*laviaminora*." In addition to the above injuries, the medical examination of the prosecutrix was further extended to analyze her age and as per medical report (Exb.Ka-9), her age was found to be below 15 years.

15. The prosecution has further relied upon the evidence of independent witness namely, Ramchandra (P.W.-2), who had arrived at the place of occurrence on hearing the screams of prosecutrix and a reading of his testimony would show that he found the prosecutrix naked and bleeding. The accused was attempting to wipe off the blood, who on seeing the witness, ran away from the spot. This witness has also specifically mentioned about the presence of the accused at the place of occurrence and particularly his conduct after commission of crime. Though, the accused had set up a defence that the father of prosecutrix namely, Rampati was an employee of Ramchandra (P.W.-2) and Gayatri Singh, who had also arrived at the place of occurrence, but was not examined as a witness, who had a dispute with Bansh Gopal (father of accused), therefore, at the instance of Gayatri Singh and Ramchandra, the appellant-accused was falsely implicated. In this context, the reliance has been placed upon a certified copy of complaint dated 13.10.1983 (Exb.Kha-1), wherein it was alleged that goat of Rampati entered their field and when Bansh Gopal was taking it to the cattle home, he forcibly snatched the goat, but there is nothing on record to suggest that the said complaint was ever acted upon. Even otherwise, the alleged dispute between Bansh Gopal (father of accused) and Ramchandra etc. may not be of much significance to the subject occurrence leading to the prosecution of the accused.

16. Further, assumably if, the said defence is true, the complainant would falsely implicate Bansh Gopal instead of his son, but the evidence on record actually proves the presence of the accused-appellant at the place of occurrence. The bleeding suffered by the victim is proved by the medical evidence beyond doubt and further, the clothes worn by the

victim at the time of occurrence, got blood stains, which were also produced before the trial court as case property.

17. Merely, because the mother of the prosecutrix and Gayatri Singh, who had also arrived at the place of occurrence were not examined by prosecution would not throw any doubt on the version of the prosecution case, particularly in the light of the testimony of prosecutrix (P.W.-1). As noticed above, the evidence and material witnesses (P.W.-1 and P.W.-2) have clearly proved the involvement of the accused-appellant in commission of crime, the appellant-accused cannot derive any benefit for non examination of the mother of the prosecutrix and Gayatri Singh.

18. The last argument advanced by learned counsel for the appellant that the injuries suffered by the victim could be a result of fall is also without any merit, as the suggestion put to Dr. B. Kumar (P.W.-5) was not put to the victim, and on the contrary, the suggestion by the defence that the prosecutrix suffered injury while urinating has been specifically denied by her. Most importantly, a perusal of the impugned judgment of conviction and order of sentence dated 9.12.1986 would show that the trial court has carefully examined the facts, circumstances and evidence on record to ascertain the involvement of the accused-appellant in commission of crime. The findings and observations made by the trial court in the impugned judgment of conviction and order of sentence dated 9.12.1986 are founded upon proper appreciation of prosecution evidence as well as material on record.

19. Further, it is not a case where the evidence adduced by prosecution gives rise to any doubt, much less to favour the defence. The evidence adduced by the prosecution is not only consistent to the guilt of the accused, but if, examined conversely, it is inconsistent to his innocence as well. Consequently, this Court does not find any meritorious ground to interfere with the impugned judgment of conviction and order of sentence dated 9.12.1986.

20. Resultantly, the appeal fails and is hereby dismissed. Record and proceedings be sent back to the Court below forthwith.

(Manoj Bajaj,J.)

April 8, 2026
P.S. Parihar