



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving: 14<sup>th</sup> May 2026.

Date of Decision: 20<sup>th</sup> May 2026.

IN THE MATTER OF:

+ CRL.A. 703/2008

MANOJ KUMAR

.....Appellant

Through: Mr. Sunita Arora, Adv. (DHCLSC)  
with Appellant-in-person.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State  
with Ms. Kalpana Jha and Mr.  
Siddharth Shankar Jha, Advs.  
Ms. Megha Singh, Advocate for  
prosecutrix.

**CORAM:**

**HON'BLE MR. JUSTICE VIMAL KUMAR YADAV**

**JUDGMENT**

**VIMAL KUMAR YADAV, J.**

1. A routine early morning visit to the fields to bring fodder for the cattle proved nightmarish to the victim, inasmuch as while she was coming back with her fodder, she was waylaid by the Appellant on the morning of 10<sup>th</sup> September 2001 and sought sexual favours from her. The refusal of the victim was not taken by the Appellant in right spirit and he forcibly dragged her into the crop of 'Jowar' and attempted to rape her. However, the victim was fortunate enough that she despite being cornered in a 'Jowar' field, assaulted by tooth bites and slaps etc., could save herself as a labourer / neighbour appeared on the scene, which dissuaded and deterred the Appellant, who ran away leaving the victim. The victim came back home



and narrated the incident to one of the cousins of her husband namely, Neel Daman in the presence of her mother-in-law. The matter was reported to the police and that resulted into registration of FIR No. 330/2001 (Ex.PW-8/A) at Police Station Narela Industrial Area, under Section 354/506/324 of Indian Penal Code, 1860 ('IPC'). After recording of the statement, victim was taken to the hospital and her medical examination was carried out. Apart from the aforesaid, the other relevant aspects of the investigation were also initiated and the same culminated into the shape of a chargesheet filed under Sections 324/354/506/376/511 IPC against the Appellant. The trial ultimately fructified in the conviction of the Appellant and he was sentenced too.

2. Through the impugned Judgment dated 11.08.2008 and Order on Sentence dated 13.08.2008, the Appellant was held guilty for offences punishable under Section 324/354/506 IPC and sentenced to undergo:-

(a) For the offence under Section 324 IPC, Rigorous Imprisonment for a period of 1½ years with a fine of Rs.500/-, in default of payment of fine, he had to undergo Simple Imprisonment for a period of one week.

(b) For the offence punishable under Section 354 IPC, Rigorous Imprisonment for a period of 1½ year and to pay a fine of Rs. 5000/-, in default of payment of fine, to undergo Simple Imprisonment for a period of two months.

(c) For the offence punishable under Section 506 IPC, Rigorous Imprisonment for a period of six months and to pay a fine of Rs. 500/, in default of payment of fine, to undergo Simple Imprisonment for a period of one week.



3. Appellant impugns the judgment being not satisfied by the findings and it is put forth on behalf of the Appellant that he has been falsely implicated in the instant case due to a property dispute between the Appellant and the brother-in-law of the victim. It is further submitted that the initial complaint was merely an ‘assault’, however, subsequently Section 376 read with Section 511 IPC was added on the basis of allegations levelled thereafter, which in itself is a testimony unto a fact that the Appellant has been falsely implicated. Additionally, learned counsel for the Appellant emphasized that it is the testimony of the victim examined as PW-2, which alone is of utmost importance and it is laced with improvements, which renders it vulnerable to doubt and suspicion. In addition to that, it is asserted that in the absence of any corroboration to the testimony of the victim, there is no reason as to why the Appellant should be held responsible / guilty.

4. To elaborate about the incidents of improvement, learned counsel for the Appellant submitted that in the initial complaint Ex.PW2/A, on the basis of which FIR (Ex.PW8/A) came into being, there is no reference of the string of the lower garment (salwar) being broken by the Appellant, whereas, during her cross-examination, victim had deposed about this fact out of blue. In the initial statement Ex.PW2/A, there is a reference of a ‘labourer’, who appeared at the scene which saved the victim from being assaulted. But in her testimony before the Court, she did not mention anything about this fact, rather introduces a ‘neighbour’, who too has not been specifically named. It is thus, submitted that in the absence of any corroborative finding, the evidence becomes shaky and the Appellant should not have been held guilty.

5. Another aspect which has been highlighted by learned counsel for the Appellant is that though the victim was given beatings by her husband,



nevertheless, the injuries as reflected in the MLC, do not indicate anywhere that she was assaulted in the manner, she had deposed before the Trial Court. The MLC initially reflects the marks of tooth-bites and for that matter the victim had stated that she was bitten on her right arm, whereas, her brother-in-law Neel Daman examined as PW-5, found bite marks on both the arms of the victim. Apparently, it is irreconcilable and in turn shakes up the foundation of the prosecution's case.

6. Learned APP for the State, on the other hand, came up with the plea that the testimony of the victim is above-board and has been corroborated by PW-5 Neel Daman and the medical records. The narrative given by the victim is in-tandem with the injuries, which have been mentioned in the MLC. Incised wounds are reflective of the fact that it was the tooth-bite as stated by the victim. She was dragged inside the field which has caused abrasions on her body and the same finds mention in the MLC (Ex.PW1/A). It is thus, submitted that there is nothing like improvement, which may dislodge the prosecution's case or the testimony of the victim.

7. The narrative of the victim about the kind of assault she had undergone at the hands of Appellant echoes in the MLC. The details of the injuries as given below would clarify it further that there were abrasions on almost all over the body coupled with incised wounds and blood stains. MLC (Ex.PW1/A) gives a detailed description of the injuries sustained by the victim:-

- (i) Injury No.1: - Swelling of size 4x3 cm over pt. upper arm in lateral aspect & cuts in margin. Contusion [serrated].
- (ii) Injury No.2:-Swelling & Contusion on posterior part of Right upper arm size 5x4 cm (Contusion in periphery of the swelling)



(iii) Injury No.3:-

(a) Abrasion  $\frac{1}{2} \times \frac{1}{2}$  cm on Rt. elbow part. Region.

(b) Abrasion on left forearm portion lat. part size  $1 \times \frac{1}{2}$  cm.

(iv) Injury No.4:- Abrasion & Redness on Anterior part of the neck.

(v) Injury No.5:- Multiple small abrasion on left lower back.

(vi) Injury No.6:- Incised wound & blood stains on left 2<sup>nd</sup> Tol in ventral aspect size 1cm in length.

All the above injuries strengthen the deposition of the victim reflecting that she was dragged on a rough surface, as has been stated by her in her deposition before the court.

8. The incident took place on 10.09.2001 at 7.45 am and the MLC was prepared on the same day at about 11.55 am. Therefore, there is no scope for any kind of manipulation therein.

9. As regards the so called improvement, there is a clarification in cross-examination itself of PW-2, as to why and under what circumstances, it so happened. She has stated that out of shame she did not disclose this fact of her string / nada of salwar was broken by Appellant, which is perfectly justifiable, given the fact that the incident took place in a village where women still observe 'parda' and this is an incident, which took place about a quarter century back. One can easily visualize the position of the female folk and their conduct, social norms, fear of ostracization and social stigma etc. attached with and kind of offence. It require some courage to report such like matters even today, what to talk about 25 years back.



10. Similarly, ‘neighbour’ or ‘labour’ are similar sounding words therefore, the possibility cannot be ruled out that the victim stated about the neighbour whereas it was recorded as ‘labour’ in her statement recorded by the IO. In any case, what is important is that the victim could save herself as somebody appeared in the vicinity of the ‘Jowar’ field. It is not reflected from the testimony about the identity of the person who surfaced there near the spot nor probably he came to know about the goings on. Just appearance and presence suddenly had deterred the Appellant from his proposed act inasmuch as he had categorically mentioned about the intentions to the victim as can be seen in her testimony. Relevant portion of her Examination-in-chief is reproduced here under:

*“I tried to rescue myself and pushed the accused. The accused gave me teeth bite on my right arm and on my asking what he wants from me, he told me that he wants to committed rape with me.”*

11. Then, the so called improvements about the incident of 7.45 am being informed to the police at 9:44 a.m. through DD No.6A and FIR getting registered at 3:30 p.m. are inconsequential, so far as the case of prosecution is concerned and has been rightly be ignored. The reason is simple, the matter was reported to police within reasonable time, but what police did is up to the police. Victim had no control over it and she cannot held responsible in any manner. Similarly, there may be some variation in giving time in deposition but nobody keeps track of minute to minute development. As such, no adverse inference can be drawn against prosecution.

12. Father of Appellant was examined as DW-1 primarily on two counts i.e. ‘Plea of Alibi’ attempted to be put forth on behalf of Appellant inasmuch as father of Appellant, has deposed that at the relevant time of the alleged incident, the Appellant was with him watching TV in the morning till noon.



It is only in the afternoon when police official of PS Narela came to inquire about the Appellant and took him away. He later on came to know about the arrest of the Appellant. He further stated that he had sold some land to Neel Daman and that there was some dispute about the payment and the adjoining land etc. Neel Daman wanted to purchase some part of the land, to which father of Appellant did not agree and that grudge was being nursed by Neel Daman which shaped up in the instant case.

13. The testimony of DW-1 is no use / help on two counts. Firstly, father of Appellant did not prove the documents to show that some land was sold to Neel Daman (PW-5), which he could have done easily to substantiate his version and could have given strength to his testimony and insight to the case, but in the absence of the same, oral testimony cannot be given any weightage. Secondly, testimony of father of Appellant recorded as DW-1 is incomplete, therefore the same cannot be read in evidence inasmuch as, his cross-examination was deferred and this witness was not offered for cross-examination, which effaces the testimony from record.

14. From the evidence, what emerges on record is that the Appellant who was about 21 years of age at the time of incident tried to take advantage of the victim as she was found alone in an isolated place by him. He not only grabbed her but expressed his desire to the victim, who rebuked him. However, in the circumstances, in which the victim was placed, Appellant was able to drag the victim in the field of 'Jowar' and enraged by the resistance put forth by victim, he assaulted her by biting her on her arms and otherwise assaulting her. However, he could not fully overpower the victim and as an individual surfaced out of nowhere in the vicinity which was an isolated place. This trepidated the Appellant and he retreated from his evil



intentions apprehending that the otherwise helpless victim may raise hue and cry which would land the Appellant in a messy situation therefore he thought it fit to escape from the spot after threatening the victim of dire consequences and harm, not only the victim, but her family members also.

15. So far as the narrative of the victim is concerned, it is believable specially when corroboration comes in the shape of injuries sustained by her as enumerated in the MLC Ex.PW1/A. It is a settled law that testimony of the victim alone would be sufficient to nail down in the sexual offence, provided the testimony is impeccable and is above board and can be termed as of sterling quality. Reference can be made to the judgement titled as in ***Ganesan v. State, (2020) 10 SCC 573***, wherein Hon'ble Supreme Court held as under:

*“10.1. Whether, in the case involving sexual harassment, molestation, etc., can there be conviction on the sole evidence of the prosecutrix, in Vijay [Vijay v. State of M.P., (2010) 8 SCC 191:(2010) 3 SCC (Cri) 639], it is observed in paras 9 to 14 as under:*

*“9. In State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550:1990 SCC (Cri) 210] this Court held that a woman, who is the victim of sexual assault, is not an accomplice to the crime but is a victim of another person's lust and, therefore, her evidence need not be tested with the same amount of suspicion as that of an accomplice. The Court observed as under:*

*‘16. A prosecutrix of a sex offence cannot be put on a par with an accomplice. She is in fact a victim of the crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence. The same degree of care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more. What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested*



*in the outcome of the charge levelled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her testimony short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence.'*

10. *In State of U.P. v. Pappu [State of U.P. v. Pappu, (2005) 3 SCC 594 : 2005 SCC (Cri) 780] this Court held that even in a case where it is shown that the girl is a girl of easy virtue or a girl habituated to sexual intercourse, it may not be a ground to absolve the accused from the charge of rape. It has to be established that there was consent by her for that particular occasion. Absence of injury on the prosecutrix may not be a factor that leads the court to absolve the accused. This Court further held that there can be conviction on the sole testimony of the prosecutrix and in case, the court is not satisfied with the version of the prosecutrix, it can seek other evidence, direct or circumstantial, by which it may get assurance of her testimony. The Court held as under:*

*'12. It is well settled that a prosecutrix complaining of having been a victim of the offence of rape is not an accomplice after the crime. There is no rule of law that her testimony cannot be acted upon without corroboration in material particulars. She stands at a higher pedestal than an injured witness. In the latter case, there is injury on the physical form, while in the former it is both physical as well as psychological and emotional. However, if the court of facts finds it difficult to accept the version of the prosecutrix on its face value, it may search for evidence, direct or circumstantial, which would lend assurance to her*



*testimony. Assurance, short of corroboration as understood in the context of an accomplice, would do.'*

*11. In State of Punjab v. Gurmit Singh [State of Punjab v. Gurmit Singh, (1996) 2 SCC 384 : 1996 SCC (Cri) 316] , this Court held that in cases involving sexual harassment, molestation, etc. the court is duty-bound to deal with such cases with utmost sensitivity. Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault is enough for conviction and it does not require any corroboration unless there are compelling reasons for seeking corroboration. The court may look for some assurances of her statement to satisfy judicial conscience. The statement of the prosecutrix is more reliable than that of an injured witness as she is not an accomplice. The Court further held that the delay in filing FIR for sexual offence may not be even properly explained, but if found natural, the accused cannot be given any benefit thereof. The Court observed as under:*

*'8. ... The court overlooked the situation in which a poor helpless minor girl had found herself in the company of three desperate young men who were threatening her and preventing her from raising any alarm. Again, if the investigating officer did not conduct the investigation properly or was negligent in not being able to trace out the driver or the car, how can that become a ground to discredit the testimony of the prosecutrix? The prosecutrix had no control over the investigating agency and the negligence of an investigating officer could not affect the credibility of the statement of the prosecutrix. ... The courts must, while evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. ... Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. ... Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a*



*requirement of law but a guidance of prudence under given circumstances. ...*

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*21. ... The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations.'*

*(emphasis in original)*

*12. In State of Orissa v. Thakara Besra [State of Orissa v. Thakara Besra, (2002) 9 SCC 86 : 2003 SCC (Cri) 1080] , this Court held that rape is not mere physical assault, rather it often distracts (sic destroys) the whole personality of the victim. The rapist degrades the very soul of the helpless female and, therefore, the testimony of the prosecutrix must be appreciated in the background of the entire case and in such cases, non-examination even of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witnesses had not seen the commission of the offence.*

*13. In State of H.P. v. Raghubir Singh [State of H.P. v. Raghubir Singh, (1993) 2 SCC 622 : 1993 SCC (Cri) 674] this Court held that there is no legal compulsion to look for any other evidence to corroborate the evidence of the prosecutrix before recording an order of conviction. Evidence has to be weighed and not counted. Conviction can be recorded on the sole testimony of the prosecutrix, if her evidence inspires confidence and there is absence of circumstances which militate against her veracity.*

*A similar view has been reiterated by this Court in Wahid Khan v. State of M.P. [Wahid Khan v. State of M.P., (2010) 2 SCC 9 : (2010) 1 SCC (Cri) 1208] placing reliance on an earlier judgment in Rameshwar v. State of Rajasthan [Rameshwar v. State of Rajasthan, 1951 SCC 1213 : AIR 1952 SC 54] .*



*14. Thus, the law that emerges on the issue is to the effect that the statement of the prosecutrix, if found to be worthy of credence and reliable, requires no corroboration. The court may convict the accused on the sole testimony of the prosecutrix.”*

*10.2. In Krishan Kumar Malik v. State of Haryana [Krishan Kumar Malik v. State of Haryana, (2011) 7 SCC 130: (2011) 3 SCC (Cri) 61] , it is observed and held by this Court that to hold an accused guilty for commission of an offence of rape, the solitary evidence of the prosecutrix is sufficient, provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality.”*

16. In such an eventuality, even corroboration is not required, whereas in the instant case not only the testimony of the victim is above board and is of sterling quality, rather the same finds corroboration too in the shape of the injuries sustained by her in the assault as per the MLC Ex.PW1/A. The narrative goes hand in hand with the injuries sustained by the victim, therefore there is no reason to disbelieve the case of prosecution and in this process the impugned Judgment is able to pass through the scrutiny of the truthfulness and credibility.

17. The Appellant has been convicted under Section 324/354/506 IPC whereas he has been given clean chit so far as the offence under Section 376/511 IPC is concerned. The State has not preferred any appeal nor there is any counter arguments on this aspect of Section 376/511 IPC.

18. Learned Counsel for the Appellant in her concluding lines submitted that the Appellant has undergone 02 Months 21 Days period out of the punishment awarded to him. He was a young man of 21 years of age when the alleged incident took place and is now a married man and having children and family responsibilities at the age of 47 years. Therefore, it is sought that this aspect may be taken into account while considering the



matter if the appeal does not find favour of the Court. Expectedly, the learned APP sought a commensurate sentence for the Appellant without giving him any indulgence about his age at the time of incident and the present age and the responsibilities and sought that the sentence awarded to him should not be disturbed and certainly he should not be released against the period of custody spend by him during the trial and the post-conviction.

19. Having considered the submissions made by the contesting sides, it is apparent that the Appellant is unable to carve out the case in his favour so that any interference is made in the Impugned Judgment. The evidence on record coming from the mouth of the victim in itself is sufficient to nail him down and in any case there is sufficient corroboration which go hand in hand with the overall narrative. The deposition of the witness coupled with the injuries sustained by her as reflected in the MLC are sufficient to bind the Appellant with the offence, notwithstanding the defence witness brought by him, which is unable to dislodge the prosecution's case. As a result, the appeal in respect of Impugned Judgement dated 11.08.2008 stands dismissed.

20. The misdeed of the Appellant overlap in two segments i.e. Section 354 IPC and 376/511 IPC. However, the learned Trial Court has not found him guilty under Section 376/511 IPC. The state has also not challenged the finding. Therefore, in these circumstances, it does not seem to be appropriate to dwell on this aspect especially when the Appellant has not been put on notice although the acts of the Appellant are on the border, if not in the realm of the offence of attempt to commit rape. There is a grey area in between and in the fitness of circumstances where there is no challenge to the findings by the prosecution on this count,



therefore, the same is not looked into. As a result, the appeal has been dismissed and the judgement of conviction is affirmed.

21. As regards the period of sentence awarded to him which is 1½ years for Section 324 IPC 1½ years for Section 354 IPC and 06 months for Section 506 IPC together with different amount of fine and further punishment in default of payment of fine as enumerated in the instant judgment. The Appellant has spent 02 Months 21 Days in custody prior to the Appellate stage.

22. Considering the matter in its entirety, especially the fact that the Appellant was barely out of teenage when the incident took place and he is now going about to complete 50<sup>th</sup> year of his life. When the offence was, he was on the rise whereas now he is on the decline of his age and has faced trial / criminal proceedings for quarter a century. This period has been trouble free and no adverse report is there, which gives reasons for some indulgence on the aspect of sentence. He has according to the Nominal Roll dated 18.11.2025, spent 02 Months 21 Days in custody which does not seem to be sufficient notwithstanding the contention on behalf of the Appellant that the period of custody already undergone by him should be considered the punishment. Thus, taking into account the entire gamut of facts and circumstances, the sentence of the Appellant, as awarded by the learned Trial Court is reduced to six months each qua Section 324, 354 and 506 IPC, whereas the fine remains unaltered together with its punishment for default in payment of fine. The Appellant has to surrender forthwith to undergo the remaining part of the sentence.

23. Appeal thus, partially succeeds on the aspect of sentence and stands disposed-of accordingly.



24. It is clarified that all the sentences shall run concurrently and the Appellant shall be entitled to the benefit of set off under Section 428 Cr.P.C.

25. Copy of the judgement be transmitted to the learned Trial Court and the prison authorities for information and necessary compliance.

**VIMAL KUMAR YADAV, J**

**MAY 20, 2026/bj/tng**