

जगमोहन सिंह
JAGMOHAN SINGH
अतिरिक्त जज न्यायाधीश
Additional Judge
विशेष न्यायाधीश (दक्षिण-पश्चिम)
Special Post (South-West)
कमरा नं. 201, राहिली जिला न्यायालय, दिल्ली
Room No. 201, Rahili District Courts, Delhi

SC No. 51787/16
STATE Vs. Satish & Ors.
FIR No. 353/13PS
Mangol Puri

Summary proceedings u/ 344 Cr.P.C.

19.03.2024

Present: Sh. Gyanendra Kumar Mishra, Ld. Addl. PP
for State.
Prosecutrix 'AS' (who is now an accused)
with Ld. Counsels Sh. Vikas Azad and
Sh. Rajesh Gupta.
Ms. Sunaina Ranga, Ld. Counsel on behalf of
DCW.

1. Vide separate judgment pronounced in the open Court today, prosecutrix 'AS' (complete name withheld to protect her identity) has been convicted of the offence of deliberately giving false evidence on oath as contained in section 344 Cr.P.C. A copy of the judgment be given dasti and free of cost to the prosecutrix.

Order on the point of sentence

2. Heard on the point of sentence. Ld. Counsel for prosecutrix submits as under:-

(i) Prosecutrix is a lady and has already been divorced. Therefore, a lenient view may be taken against her; and
(ii) Prosecutrix has been married for the second time and if she is sent to jail, her married life would be disturbed.

3. I have carefully considered the above submissions. The prosecutrix married accused Satish while concealing from him that she was already married and had a son and that she had not taken divorce from her husband. When accused Satish came to know of the said fact, he



wanted to take legal action against the prosecutrix. To cover up her wrong deeds, the prosecutrix falsely implicated not only accused Satish but his relatives namely Kuldeep, Satbir (since expired) and Yogesh Gupta @ Pummy in a heinous offence of gang rape.

4. It is common knowledge that social stigma is attached in our country with being an accused in a criminal case. The said stigma increases many-fold if the offence complained of is rape. In the present case, all the accused were falsely accused by the prosecutrix of the heinous offence of gang rape, which is aggravated form of rape. Due to the same, the accused suffered the above social stigma as well as trauma of facing a criminal case for eight long years. They were also put behind bars and had secure bail. The incalculable suffering including loss of social esteem, mental trauma as well as financial loss suffered by the accused can be well imagined.

5. It is also common knowledge that in our country, honour is still held dearer than life and once loss, it is never restored fully. Even though all the accused persons have been acquitted in the present case, that is no answer to the suffering unjustly caused to them due to false allegations made by the prosecutrix against them. Further, one of the accused namely Satbir even passed away during the trial and could never see his name cleared of the stigma and his honour restored during his life time. These are highly aggravating circumstances against the prosecutrix and thus, the present case calls for same sort of restorative justice for the accused.

6. The cases of falsely accusing innocent



persons of rape and even gang rape are on the rise. On the one hand such cases unleash incalculable suffering on the accused, on the other hand, due to such false cases, even genuine victims of rape have to wait long for justice. Such tendency is to be checked with a heavy hand and stream of justice has to be kept pure.

7. On the other hand, the fact that the prosecutrix is a lady and has already been divorced once are certainly mitigating circumstances in her favour.

Sentence

8. The maximum sentence provided for u/s 344 Cr.P.C. is three months. After balancing the aggravating and mitigating circumstances of the convict, in the considered opinion of this Court, interest of justice shall be met if the prosecutrix is sentenced to **simple imprisonment for two months**. Ordered accordingly. This Court hopes that the sentence awarded to the prosecutrix in the present case serves as a deterrent to such potential complainants.

9. At this stage, Ld. Counsel for convict / prosecutrix has filed an application u/s 389 Cr.P.C. seeking suspension of sentence till filing of appeal against the present order. Heard. Allowed. Prosecutrix is ordered to be released on bail u/s 389 Cr.P.C. subject to furnishing of personal bond and surety bond in the sum of Rs.10,000/- each for a **period of 30 days from today** to enable her to file appeal against the present order. Personal bond is furnished and accepted till NDOH. On request of the convict, time is granted to her for producing surety on the



next date.

10. A copy of this order be given to the convict /
prosecutrix 'AS' dasti and free of cost.

11. Now to come up for furnishing surety on
22.03.2024 at 2.00 p.m.




(JAGMOHAN SINGH)
ASJ (Spl. FTC) : North-West
Rohini Courts / Delhi / 19.03.2024

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