

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1842 OF 2019
(Arising out of SLP(CrI.) No. 7666/2018)

ABDUL SATTAR

APPELLANT(S)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

RESPONDENT(S)

O R D E R

1. Respondent No. 2 accused does not appear in spite of being served.

2. Leave granted.

3. The accused has been charged with the rape of a girl who is alleged to be a 14 years of age. There is one statement on record that her age is 16 years, but for the purpose of the present matter it does not make much difference. Suffice it to say that the alleged rape is committed on a young girl. The High Court has noted the opinion of a Doctor that the girl was habituated to sex. This appears to have led the High Court to consider the case of the accused sympathetically. We are of the view that the fact that victim of rape is habituated to sex, cannot be a valid defence against the act of rape.

4. Having regard to the other circumstances of the case, we are of the view that the bail granted to the respondent-accused vide order dated 03.04.2018 passed by the High Court be hereby cancelled. Order accordingly.

5. The respondent No. 2, accused shall surrender before the

concerned Judicial Magistrate, Police Station Ratnapuri, Muzaffarnagar, Uttar Pradesh within a period of four weeks from today.

6. We, however, clarify that our observations are prima facie in nature and the same shall not be taken into consideration by the trial Court while deciding the matter.

7. The criminal appeal is disposed of accordingly.

.....CJI.
[S.A. BOBDE]

.....J.
[B.R. GAVAI]

.....J.
[SURYA KANT]

**NEW DELHI,
NOVEMBER 29, 2019.**

ITEM NO.26

COURT NO.1

SECTION II

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition for Special Leave to Appeal (Cr1.) No. 7666/2018
(Arising out of impugned final judgment and order dated 03-04-2018 in
CRLMB No. 12072/2018 passed by the High Court Of Judicature At Allahabad)

ABDUL SATTAR

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No. 123562/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA
No. 123564/2018 - EXEMPTION FROM FILING O.T.,
IA No. 123565/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

DATE : 29-11-2019 This matter was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT**

For Petitioner(s)

**Mr. Osama Suhail, Adv.
Mr. Samamma Suhail, Adv.
Mr. Animesh Khanna, Adv.
Mr. Yash Pal Dhingra, AOR**

For Respondent(s)

**Mr. Vishwa Pal Singh, AOR
Mr. Surjeet Singh, Adv.
Mr. Ankit Gambhir, Adv.
Ms. Pallavi, Adv.
Mr. Ronak Karapuria, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

The respondent no. 2 accused does not appear in spite of
being served.

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications stand disposed of.

**[CHARANJEET KAUR]
A.R.-CUM-P.S.**

**[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR**

[Signed order is placed on the file]