



**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Appeal (S.J.) No. 1816 of 2003**

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 Rabindra Prasad @ Rabindra Prasad Bhagat S/O Sahdeb  
 Prasad Bhagat, Resident of Village-Kharbani, P.S. Masalia,  
 District- Dumla ... .. **Appellant**

**Versus**

1. The State of Jharkhand
2. Victim X

... .. **Respondents**

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**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR RAI**

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 For the Appellants : Mrs. Neeharika Mazumdar, Advocate  
 For the State : Ms. Kumari Rashmi, A.P.P.  
 For the Informant : None  
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**C.A.V. on 27.08.2025**

**Pronounced on 05.12.2025**

1. Heard Mrs. Neeharika Mazumdar, learned counsel appearing on behalf of the appellant and Ms. Kumari Rashmi, learned A.P.P. appearing on behalf of the State. However, no one appears on behalf of the informant.
2. The name of the victim, her parents, and her relatives is deliberately not being disclosed to protect the identity of the victim.
3. This appeal is directed against the judgment and order of sentence dated 20.11.2003 passed by learned 6<sup>th</sup> Additional District and Sessions Judge, Dumka in Sessions Case No. 139 of 2003 whereby and whereunder, the appellant has been convicted for the offence punishable under Section 376 of IPC and sentenced him to undergo RI for seven years.
4. The case of the prosecution is based upon the statement made by the victim before the Bada Babu, Masalia Police Station on 14.03.2002 at 13:15 hrs, wherein she has stated that she is 14 years of age and a student of 8th standard at Palojori Girls High School. On the night of 12.03.2002, there was a Shivratri Mela near Shiv Mandir, where her father was running a sweet shop and she was also present. At about 08:30 P.M., after informing her father, she stepped out of the



shop to relieve herself and while she was sitting for the same in the lane, a bit away from the well, her neighbour, Ravindra Prasad, son of Sahdeb Prasad Bhagat, suddenly caught hold of her, pressed her mouth, and dragged her to the barren (parati) land near a mango tree and the accused forced her to lie down on the ground. Even after the denial by the victim, the accused removed her undergarment (pant), he also removed his pant and started pressing her breasts, and told the victim to keep mum, otherwise she would be liquidated. The victim got scared, started weeping then she was scolded by the accused, who then committed rape on her person. Meanwhile, when sound of footsteps of some persons started coming towards them, then the accused fled away after wearing his pant. The victim, after wearing her undergarment, came to her home by weeping and narrated the incident to her mother and aunt.

- 5.** The victim also stated that two months prior, she had gone to the Darbari Mela along with her father then, the accused did “Bura Kaam” with her by taking her to a lonely place, and the accused asked her not to disclose this fact to anyone and told her that he would marry her.
- 6.** It is further stated by the victim that on 12.03.2002, her mother told her father and uncle about the entire incident. Then her father went to the village and shared the incident with other villagers. The villagers told her father that the matter would be sorted out through a meeting in the village. On 13.03.2002, a meeting of the villagers was held, but as the issue was not resolved on that day, again meeting was convened today, i.e., 14.03.2002. However, matter could not be resolved and this is the reason assigned for the delayed intimation to the police station.
- 7.** Upon the aforesaid statement of the victim, an F.I.R. being Masalia P.S. Case No. 10 of 2002, dated 14.03.2002, under Section 376 of the IPC has been registered against the



appellant. After due investigation, the charge sheet has been submitted, and the learned Magistrate took cognizance of the offence and committed the case to the Court of Sessions. The Sessions Court, vide order dated 30.04.2003, frame charge against the accused under Section 376 of the IPC, to which he pleaded not guilty and claimed to be tried.

- 8.** To prove its case, the prosecution has examined as many as 8 witnesses in the present case and apart from that, following documents have also been brought on record.

**Ext.-1** Is the signature of P.W.-1 on panchnama paper.

**Ext.-2** Signature of the informant/victim on the fardbeyan

**Ext.-2(a)** Signature of P.W.-1 on her fardbeyan of the victim.

**Ext.-3** Signature of P.W.-1 on production-cum-seizure list

**Ext.-4** Certificate of date of birth of the victim, issued by the Principal of Palojori Girls High School

**Ext.-4(a)** Signature of Jagdish Rakesh, Principal, on the certificate issue on the date of birth certificate

**Ext.-5** Statement of the victim which is the basis of F.I.R.

**Ext.-6** Formal F.I.R.

**Ext.-7** Production cum seizure list by which panchnama paper was given to the I.O. by P.W.-1.

**Ext.-8** Medical report of the victim.

- 9.** The statement under Section 313 of Cr.P.C. of the accused has been recorded, in which he has denied the circumstances/materials/evidence put to him and claimed to be innocent. No witnesses have been examined on behalf of



the accused, however, the accused has also brought on record the following documents:-

**Ext. A-** is the certified copy of the judgment passed by 3<sup>rd</sup> Additional District & Sessions Judge Dumka in Criminal Appeal no. 313/81 titled as Mahadeo Bhagat v. State

**Ext.-B** is the certified copy of the bail order dated 1408.2002 passed by District & Sessions Judge, Dumka in B.P. No. 310/02 by which accused of this case enlarged on bail.

**Ext.-C** is the certified copy of the judgment dated 29.02.1974 passed by the Sri. B.K. Choudhary, J.M. 1<sup>st</sup> Class, Dumka in P.C.R. Case No. 46/64 titled as “Shivratan Sah v. Mahadeo Bhagat and Ors”.

**Ext.-D** is the certified copy of the deposition of Ramnath Bhagat which he deposed in P.C.R. Case No. 46/74, Ext.-D-1 is the deposition of Shivnarayan Sah

**Ext. D-2** is the certified copy of the deposition of Shivratan Sah.

**Ext. D-3** is the certified copy of the deposition of Shato Choudhary deposed in P.C.R. Case No. 46/74

**Ext.-E** is the certified copy of the judgment passed by S.D.J.M., Dumka on 25.5.77 in P.C.R. Case No. 44/77.

**Ext.-F** is the certified copy of the deposition of Laxmikant Bhagat, Ext.-F-1 and Ext.- F-2 are the certified copy of the deposition of witnesses Shiv Gobind Bhagat and Shadeo Pd. Bhagat in P.C.R. Case No. 44/74.

**Ext.-G** is the certified copy of the extract of Khatian slip of Mouza Nabadih in respect of J.B. No. 22.

- 10.** Learned counsel for the appellant started her arguments by making submission that in the present case, the F.I.R. has been lodged after delay of two days, and there is no



plausible explanation on behalf of the prosecution, which itself, makes the case of the prosecution doubtful. Learned counsel further pointed out that the victim has stated that she handed over her clothes to the I.O. however, the I.O., who has been examined in the present case, has categorically denied this fact and has stated that no clothes of the victim was ever seized in the present case.

- 11.** She further pointed out Ext.-8 and submitted that the Doctor has opined the age of the victim to be about 15-16 years, and it is well settled law that the ossification test is not a perfect science, and there can be a margin of error of upto two years on either side. Therefore, the victim was major on the day of the alleged incident. She also pointed out that the documents brought on record on behalf of the appellant clearly show that there is enmity between the family members of the victim and the family members of the accused, which prompted the victim's side to lodge a false case against the appellant which is evident from the fact of delayed registration of the F.I.R. in the present case.
- 12.** Learned counsel concluded her argument by making submission that this case is of the year 2002, and the appellant has faced the agony of trial for more than 23 years. As such, a lenient view may likely be taken by this Appellate Court.
- 13.** Per contra, learned A.P.P. for the State submitted that there is sufficient evidence, which has come from the mouth of the victim as well as from her parents, and it clearly indicates the culpability of the accused in commission of crime.
- 14.** Learned A.P.P. further submitted that even the sole testimony of the victim in rape cases is sufficient, if it inspires confidence to the Court, and in the present case, nothing has been extracted from the mouth of the victim that could make the case of the prosecution improbable or



doubtful and, as such, the learned Trial Court has rightly convicted the appellant and sentenced him accordingly.

- 15.** Heard the learned counsel for the parties and perused the trial court records available before this Court.
- 16.** Now adverting to the testimonies of the victim and other witnesses who have been examined in the present case, this Court finds that:-
- 17.** P.W. – 3 is the victim and has stated that the incident occurred on 12.03.2002 at about 08:30 P.M. She went to the sweet shop with her father at the mela near Shiv Mandir. After informing her father that she was going to relieve herself, she walked to some distance and was about to sit down for the same, when all of a sudden, Ravindra Prasad (appellant herein) caught hold of her. After pressing her mouth, he dragged her to barren land near a mango tree, where she was laid down on the ground. She also testified that her undergarment (pant) was removed, and the accused also removed his pant. He started pressing her breasts and told the victim to keep quiet and extended threat that she would be liquidated. When the victim started weeping, she was scolded by the accused, who then committed rape on her. The victim started crying and writhing in pain.
- 18.** In the meantime, the accused/appellant sensed that someone was coming towards that place, and the accused fled away after wearing his pant. The victim then returned home and narrated the incident to her mother and her aunt. She also stated that there was injury on her legs and back. The victim's mother informed her father about the incident, who talked about the incident with important persons in the village in the night and the villagers told that this issue would be resolved in the morning and on the next day a meeting was held in the society, where the victim made her statement. Meetings were convened on



13.03.2002 and 14.03.2002, and the persons present in the panchayat (meeting) told the victim side to go to police station.

- 19.** Then, the victim and her father went to the police station, where her statement was recorded by Darogaji. The statement was read over to her, and after finding it correct, she put her signature and she has identified her signature on the statement which has already been marked as Ext. 2. She further stated that she went to Dumka hospital, where she was examined. The victim also stated that at the time of the incident, she was the student of 8th standard at Palojori Girls High School, and Mr. Jagdish Rakesh was the principal of the school and a certificate was issued by him, which bore his signature, and she has identified it. The said certificate has been marked as Ext. 4.
- 20.** In cross-examination, the victim has stated that the lane where she was sitting for relieving herself is half a kilometer away from the mango tree, and her clothes got torn and she received injury on her person. Darogaji seized her clothes. The victim categorically stated that the accused did not commit “Bura Kaam” with her at the Darbari Mela but had done “Cher Khani” with her and she had not shared this incident with anyone.
- 21.** P.W.-2 is the mother of the victim, whereas P.W.-5 is the aunt of the victim. Both of them have categorically stated in their respective testimony that on the night of 12.02.2003, the victim came and told them about the commission of rape by the accused/appellant. P.W.-2 has further stated in her deposition that she divulged this fact to her husband (P.W.-1).
- 22.** It is required to be noted that the victim, who narrated the incident immediate after its occurrence to her mother (P.W.-2) and her aunt (P.W.-5) in her home, is relevant under Section 6 of the Evidence Act.



- 23.** P.W.-1 is the father of the victim, who has stated in his testimony regarding the convening of the panchayat on 13.03.2002. He has stated that the accused gave his word for marriage with the victim however, he started demanding dowry. When the accused did not agreeable to the marriage, the panchayat members prompted him to go to the police station and lodge the case.
- 24.** P.W.-4 is the uncle of the victim, who has also stated regarding the convening of the panchayat and the demand of Rs. 1,00,000/- as dowry by the accused for solemnizing marriage with the victim and on this point, the matter remained unresolved in the panchayat.
- 25.** P.W.-6, Yacheshwar Prasad, is the I.O. of the present case, who has stated that on 14.02.2002, at about 13:15 'O' clock, the victim came to the police station and has given her statement, which was recorded by him. He also stated that the victim was sent for medical examination on the same day. He has proved the statement of the victim as Ext.-5. Formal F.I.R. has been marked as Ext.-6. He also stated that the statement of the victim was recorded by him, and he inspected the place of occurrence and recorded the statements of other witnesses. He also stated the boundaries of the place of occurrence, from which, it is clear that towards North, South, East, and West of the place of occurrence, there is barren field (Parati khet). He stated that father of the victim produced panchayat paper, which has already been exhibited as Ext.-1. He further stated that he had collected the age certificate of the victim from her school, and the medical certificate has also been received by him. In cross examination, I.O. has stated that he has not seized any clothes of the victim and she had not shown any injury to him.
- 26.** P.W.-7, Jagdish Rakesh, is the in-charge Principal of Palojori Girls High School, who has stated that, on the



basis of the school pravesh patra (school admission register), he issued the certificate on 20.03.2002, which bore his signature. The said certificate has been marked as Ext. 4(a). He also stated that the victim came to the school along with her father, and the certificate was given to her father.

- 27.** P.W.-8, Praveen Kumar, is concerned, he is an Advocate Clerk and has stated that the medical report dated 15.03.2002 is in the writing and signature of Kiran Jaiswal (Doctor), which he identified. The same has been marked as Ext. -8.
- 28.** From the aforesaid discussion of the evidence brought on record by the prosecution, it is clear that the victim has stated categorically that on 12.03.2002, at about 8:30 P.M., while she had gone after informing her father from the shop (near Shiv Mandir) run by her father in the Mela to relieve herself and walked to some distance then, she was forcefully taken by the accused and rape was committed on her person. Thereafter, she went to her home, where she narrated the incident to her mother and her aunt. Her mother then, conveyed the incident to her father, who shared the incident with the villagers and for resolving the issue/matter, a panchayati (meeting) was convened on 13.03.2002, and again on 14.03.2002, but the matter could not be resolved as the panchayat decided that accused would marry the victim but the accused demanded dowry and therefore matter could not be resolved in the meeting of villagers, therefore F.I.R. got registered by the victim.
- 29.** The aforesaid version/testimony of the victim got well corroborated from her fardbayan (Ext.-5) which is the basis of F.I.R. The fact that the victim was at the sweet shop of her father on 12.03.2002 and in the night she went to relieve herself also got well corroborated from the testimony of P.W.-1 (father of the victim).



P.W.-2 (mother of the victim) and P.W.-5 (aunt of the victim) have stated in their respective testimony that victim in the night of 12.03.2002 came to home and narrated the incident as stated by the victim (P.W.-3) in her testimony. This Fact is relevant under Section 6 of the Indian Evidence Act.

- 30.** As defence have taken a plea that the victim was major as per ossification test, this Court has firstly carefully gone through the certificate (Ext.-4) issued by the Principal of Palojori Girls High School, in which the Date of Birth of the victim has been shown as 03.06.1987. Therefore, on the date of the incident, the age of the victim was 14 years, 9 months, and 9 days, meaning thereby that she was definitely less than 16 years of age. Record reveals that there is no specific plea has ever been taken by the accused, that the victim was major by giving suggestions with respect to this aspect either to the victim or any other witnesses.
- 31.** As far as the medical report is concerned, this Court is of the considered view that it has not been properly proved on behalf of the prosecution, as it was brought on record by the Advocate Clerk, who has stated that he identifies the writing and signature of Kiran Jaiswal (Doctor). But, it appears improbable that, being an Advocate Clerk, how he was having an opportunity to see the writing and signature of the Doctor. Therefore, this Court considers that the medical report has not been properly proved during the trial, and as such, this Court does not find it fit to consider this piece of paper (medical report).
- 32.** The law is settled that medical evidence is not a sine qua non for proving the case of rape, and if the testimony of the victim inspires confidence and there is no reason to



disbelieve her version, then the sole testimony of the victim is sufficient to establish the guilt of the accused.

**33.** It is apposite to refer herein the judgment rendered by the Hon'ble Supreme Court in the case of **Deepak Kumar Sahu v. State of Chhattisgarh**, reported in **2025 SCC OnLine SC 1610** wherein the proposition laid in the case of **State of Himachal Pradesh v. Manga Singh** reported in **(2019) 16 SCC 759** has been reiterated and has held that even in the absence of medical evidence, the conviction can be based solely on the solitary evidence of the prosecutrix/victim and no corroboration be required, if it inspires confidence to the court. For ready reference relevant paragraph of the judgment is quoted hereunder :-

*5.5.1. In State of Himachal Pradesh v. Manga Singh, [(2019) 16 SCC 759], which was also a case in relation to the offence committed under Section 376, IPC where the prosecutrix was minor girl aged 9 years, she was staying in her aunt's house pursuing her studies. When the offence of rape was committed against her, she narrated the story to her teacher. The High Court gave the benefit of doubt to the accused on the ground, inter alia, that the medical evidence of the doctor was not conclusive to hold that the prosecutrix was subjected to sexual intercourse.*

*5.5.2. This Court observed that if the evidence of the victim does not suffer from any basic infirmities and the factor of probability does not render it unworthy evidence, the conviction could base solely on the evidence of the prosecutrix. It was further observed that as a general rule there is no reason to insist on the corroboration accept in certain cases, it was stated.*

*5.5.3. The medical evidence may not be available in which circumstance, solitary testimony of the prosecutrix could be sufficient to base the conviction.*

*"The conviction can be sustained on the sole testimony of the prosecutrix, if it inspires confidence. The conviction can be based solely on the solitary evidence of the prosecutrix and no corroboration be required unless there are compelling reasons which necessitate the courts to insist for corroboration of her statement. Corroboration of the testimony of the prosecutrix is not a requirement of law; but a guidance of prudence under the given facts and circumstances. Minor contradictions or small discrepancies should not be a ground for throwing the evidence of the prosecutrix."*

**34.** Also in the judgment rendered by the Hon'ble Supreme Court in the case of **State of Rajasthan v. N.K.** reported in **(2000) 5 SCC 30** has held that there exists greater responsibility upon the shoulder of the Courts while trying an accused on charges of rape which must be dealt with utmost



sensitivity and the courts should examine the broader probabilities of a case and not get swayed by minor contradictions. Further the Hon'ble Apex court while reiterating plethora of judgments has also summed up the rule for appreciating the evidence of the victim/prosecutrix in the cases of rape wherein it has been held that if the evidence of the victim/prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. For the ready reference, relevant paragraph of the judgment is quoted hereunder:-

9..... *It is true that the golden thread which runs throughout the cobweb of criminal jurisprudence as administered in India is that nine guilty may escape but one innocent should not suffer. But at the same time no guilty should escape unpunished once the guilt has been proved to hilt. An unmerited acquittal does no good to the society. If the prosecution has succeeded in making out a convincing case for recording a finding as to the accused being guilty, the court should not lean in favour of acquittal by giving weight to irrelevant or insignificant circumstances or by resorting to technicalities or by assuming doubts and giving benefit thereof where none exists. A doubt, as understood in criminal jurisprudence, has to be a reasonable doubt and not an excuse for a finding in favour of acquittal. An unmerited acquittal encourages wolves in the society being on the prowl for easy prey, more so when the victims of crime are helpless females. It is the spurt in the number of unmerited acquittals recorded by criminal courts which gives rise to the demand for death sentence to the rapists. The courts have to display a greater sense of responsibility and to be more sensitive while dealing with charges of sexual assault on women. In *Bharwada Bhoginbai Hirjibhai v. State of Gujarat* [(1983) 3 SCC 217 : 1983 SCC (Cri) 728 : 1983 Cri LJ 1096] this Court observed that refusal to act on the testimony of a victim of sexual assault in the absence of corroboration as a rule, is adding insult to injury. This Court deprecated viewing evidence of such victim with the aid of spectacles fitted with lenses tinted with doubt, disbelief or suspicion. We need only remind ourselves of what this Court has said through one of us (Dr A.S. Anand, J. as his Lordship then was) in *State of Punjab v. Gurmeet Singh* [(1996) 2 SCC 384 : 1996 SCC (Cri) 316] : (SCC p. 403, para 21)*

*“[A] rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. Rape is not merely a physical assault — it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female. The courts, therefore, shoulder a great responsibility while trying an accused on charges of rape. They must deal with such cases with utmost sensitivity. 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.”*

10. *The questions arising for consideration before us are: whether the prosecution story, as alleged, inspires confidence of the court on the evidence adduced? Whether the prosecutrix, is a witness worthy of reliance? Whether the testimony of a prosecutrix who has been a victim of rape stands in need of corroboration and, if so, whether such corroboration is available in the facts of the present case? What was the age of the prosecutrix? Whether she was a*



*consenting party to the crime? Whether there was unexplained delay in lodging the FIR?*

*11. 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 without corroboration in material particulars. Her testimony has to be appreciated on the principle of probabilities just as the testimony of any other witness; a high degree of probability having been shown to exist in view of the subject-matter being a criminal charge. However, if the court of facts may find 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. Reference may be had to a long chain of decisions, some of which are Rameshwar [Rameshwar v. State of Rajasthan, 1951 SCC 1213 : AIR 1952 SC 54 : 1952 SCR 377 : 1952 Cri LJ 547] , Sidheswar Ganguly [Sidheswar Ganguly v. State of W.B., AIR 1958 SC 143 : 1958 Cri LJ 273] , Madho Ram [Madho Ram v. State of U.P., (1973) 1 SCC 533 : 1973 SCC (Cri) 417] , State of Maharashtra v. Chandraprakash Kewalchand Jain [(1990) 1 SCC 550 : 1990 SCC (Cri) 210] , Madan Gopal Kakkad [Madan Gopal Kakkad v. Naval Dubey, (1992) 3 SCC 204 : 1992 SCC (Cri) 598] , Narayan [State of Rajasthan v. Narayan, (1992) 3 SCC 615 : 1992 SCC (Cri) 781 : AIR 1992 SC 2004] , Karnel Singh [Karnel Singh v. State of M.P., (1995) 5 SCC 518 : 1995 SCC (Cri) 977] , Bodhisattwa Gautam [Bodhisattwa Gautam v. Subhra Chakraborty, (1996) 1 SCC 490 : 1996 SCC (Cri) 133] and Gurmeet Singh [(1996) 2 SCC 384 : 1996 SCC (Cri) 316] . We may quote from the last of the abovesaid decisions where the rule for appreciating the evidence of the prosecutrix in such cases has been succinctly summed up in the following words: (SCC p. 403, para 21)*

*“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.”*

- 35.** The plea taken on behalf of the defence that there is a delayed in F.I.R., and that there is every possibility of manipulation of facts to falsely implicate the accused/appellant is concerned, this Court necessitates to discuss herein that it is the common knowledge, and indeed a judicially noted fact, that incidents such as rape in the villages and the rural parts of India involve family honour and the reluctance of the victim's family to report the matter to the police and carry it to the court is often due to societal pressure, fear of retaliation, and the stigma associated with the crime, especially in cases of rape and sexual assault. In the case of Rape or sexual assault, on the day after the incident, the matter remained an



unpleasant family affair, with attempts made to settle it, if possible, within the confines of the family or with the help of the particular village's elders, commonly known as the Panchayat.

- 36.** Rape is a heinous crime with no concept of condonation in our criminal jurisprudence. Yet, in some village societies, locals first attempt resolution by arranging the marriage between the accused and the victim, and if the marriage fails to materialize only then the cases are registered by the victim side.
- 37.** Considering the discussion made in the preceding paragraphs, this Court is of the considered view that in the F.I.R. itself, the victim has stated that, on account of resolving the matter, the villagers convened the meeting immediately after the following day of the incident and thereafter next day also, but as the matter could not be sorted out, she, along with her father, visited the police station to lodge the case, therefore, the delay in lodging an F.I.R is reasonable and sufficiently explained by the circumstances of the case.
- 38.** It has also been pointed out by learned counsel for the appellant that, had the matter been sorted out in the panchayat, the victim would not have lodged the case against the accused. This Court does not find any force as far as this plea is concerned. Rape being a grave and heinous offence and the law cannot and should not exonerate the accused from the charges on the point that, the case has been lodged on account of failure in amicably resolving the dispute by the society, where the accused as well as the victim reside. There is no such statutory mandate in the heinous offences like rape where minor is involved, except only in cases which are compoundable in nature as per the statute and when it is compounded/settled between both the sides.



- 39.** As far as the documents brought on record on behalf of the accused/appellant are concerned, these documents show some old litigation between the informant's side and accused's side as submitted by the learned counsel for the accused/appellant. From the independent reading of the documents which includes the judgments/orders/depositions (Ext. A to G), it is difficult for this Court to infer that how the litigation was between informant side and accused side by considering the parties name. Even otherwise, this Court is unable to appreciate how such old litigation could motivate the victim- who is just a minor girl along with her father, to implicate the accused and come forward to lodge a false case on the serious charge of rape that too after convening a panchayat/meeting for two consecutive days at the cost of social stigma.
- 40.** Considering the above legal proposition, when adverting to the present case and discussion made in the preceding paragraphs, this court is of considered view that nothing has been brought on the record by the defence which even slightly indicate this court not to believe or doubt the testimony of the victim and therefore, testimony of the victim inspires confidence to this court as it does not suffers from any infirmity.
- 41.** Resultantly, this court does not find any reason to interfere in the judgment and order of sentence dated 20.11.2003 passed by learned 6<sup>th</sup> Additional District and Sessions Judge, Dumka in Sessions Case No. 139 of 2003 and accordingly, the instant Criminal Appeal being Criminal Appeal (S.J) No. - 1816 of 2003 is, hereby, dismissed.
- 42.** Since, the appellant Rabindra Prasad @ Rabindra Prasad Bhagat is on bail, he is directed to surrender forthwith, before the court concerned



**43.** Let the trial court record be sent to the court concerned forthwith.

**(Arun Kumar Rai, J.)**

**High Court of Jharkhand at Ranchi**

Dated, the 5<sup>th</sup> December, 2025

*Abhishek/- A.F.R.*