

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Appeal No. 237/1986

State

----Appellant

Versus

1. Choukhey S/o Ram Dayal by caste Gadariya R/o Karav, Thana Raya District Mathura, U.P.
2. Bholu S/o Kirani by caste Bhrahmn R/o Karav, Thana Rai District Mathura, U.P.
3. Veerpal S/o Raghuveer by caste Nai R/o Karav, Thana Rai District Mathura, U.P.
4. Ram Prasad S/o Vishan Lal by caste Gadriya R/o kanrau Thana Brahan District U.P
5. Jhaman S/o Vishan Lal by caste Gadriya R/o kanrau Thana Brahan District UP

----Respondents

For Appellant(s) : Mr. N.S. Gurjar, P.P.
For Respondent(s) : None present

HON'BLE MR. JUSTICE GOVERDHAN BARDHAR

Order

20/12/2019

Learned Public Prosecutor submits that accused respondents No.1, 3, 4 and 5 namely Choukhey S/o Ram Dayal, Veerpal S/o Raghuveer, Ram Prasad S/o Vishan Lal and Jhaman S/o Vishan Lal have expired and only respondent No.2- Bholu S/o Kirani is alive. Therefore, the criminal appeal filed by the State against accused respondent Nos. 1, 3, 4, and 5 has abated.

In view of the above statement, the criminal appeal filed by the State against respondent Nos. 1, 3, 4 and 5 stands abated.

So far as criminal appeal filed by the State against respondent No.2-Bholu S/o Kirani is concerned, learned Public

Prosecutor argued that the learned trial Court had wrongly acquitted the accused respondents although respondents were involved in the alleged crime.

Perused the impugned judgment passed by the trial Court.

The learned trial Court vide judgment dated 20-07-1985 acquitted the respondents No.1, 2 and 3 namely Chokheya, Bholu and Veerpal for the offence under Sections 363, 366 and 376 IPC and also acquitted the respondents No. 4- Ram Prasad and respondent No.5-Jhaman for the offence under Section 368 IPC. The learned trial Court has recorded the specific finding that prosecutrix made contradictory statement under Section 164 Cr.P.C. and she denied the commission of rape. It has also come on record that the victim was married with respondent No.2- Bholu.

I do not find any ground to interfere with the impugned judgment of acquittal passed by the trial Court.

The appeal filed by the State is having no force and accordingly stands dismissed.

(GOVERDHAN BARDHAR),J

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