

Criminal Appeal (D.B.) No. 346 of 2017

Puran Prasad Kuru @ Puran Prasad Kudu, S/o Jaswa Prasad Kuru, R/o Village Kanta, PO Girda, PS Bano (Girda OP), District Simdega

... Appellant

-Versus-

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... Respondent

The State of Jharkhand

(Arising out of Judgment of Conviction dated 31.01.2017 and Order of Sentence dated 06.02.2017 passed by the Additional Sessions Judge-cum- Special Judge, POCSO, Simdega in Special POCSO Case No. 04 of 2016)

For the Appellant : Md. Zaid Ahmed, Advocate
For the Respondent : Mr. B.N. Ojha, A.P.P.

**PRESENT: SRI ANANDA SEN, J.
SRI GAUTAM KUMAR CHOUDHARY, J.**

JUDGMENT

By Court:

Heard the parties.

1. The appellant has preferred this appeal against the Judgment of Conviction dated 31.01.2017 and Order of Sentence dated 06.02.2017 passed by the Additional Sessions Judge-cum- Special Judge, POCSO, Simdega in Special POCSO Case No. 04 of 2016, whereby the appellant has been held guilty and convicted for the offence punishable under Sections 376(2) (f) and 506 of Indian Penal Code and Section 4 of POCSO Act and he has been sentenced to undergo rigorous imprisonment for ten years and a fine of Rs.10,000/- under Section 376(2) (f) of IPC and Section 4 of POCSO Act. All the sentences were ordered to run concurrently.
2. Md. Zaid Ahmed, learned counsel for the appellant, submits that there is no material to convict the appellant in this case. The Doctor has not found any mark of violence on the victim. Further, there is delay of six days in lodging the F.I.R. The reason for false implication is the land dispute between the parties.
3. Learned counsel for the State has defended the impugned judgment of conviction and order of sentence and submitted that the appellant has committed sexual assault upon the victim girl who is aged about six years. So far as the medical report is concerned, he submits that the doctor supports the prosecution version to the effect that the girl was sexually assaulted. The victim P.W.-5 also supports the prosecution case. Thus there is no ground to acquit this appellant.

4. After hearing the parties, we have gone through the judgment, documents and exhibits. The victim is aged about six years. The F.I.R is at the instance of the mother of victim who stated that this appellant had taken the victim and committed sexual assault upon her which was told to her by the victim. The victim (P.W.-5) has deposed that at about 6:30 in the evening the accused took her to his house and thereafter committed rape and paid ten rupees to her. She started weeping and returned home and narrated the story to her mother. She was uncomfortable and felt pain in her private part. There is nothing in the cross-examination to disbelieve her. P.W.-1 is the mother and the informant who stated that the victim girl after returning from the house of this appellant had narrated the story of commission of rape upon her. P.W.-4 is the doctor who found that the victim was 6 to 7 years at the time of commission of offence. As per her opinion, she found redness in the private area of the girl. She stated that though there was no injury on her body, but the redness in the private part indicates some interference with the private part. She also found infection. This evidence also suggests that the victim was sexually assaulted.
5. From the aforesaid evidence, we find that the statement of the victim has been corroborated by the doctor and the informant-mother also. There is nothing in the evidence to disbelieve the testimony of the victim and the mother. All these aspects have been duly considered by the Trial Court and the judgment of conviction and sentence was passed. The plea of false implication, taken by the appellant, has been negated by the statement of the doctor which suggests that the victim was sexually assaulted. We find no ground to interfere with the judgment of conviction and sentence passed by the trial Court.

Thus, this criminal appeal is dismissed.

In view of dismissal of main appeal, I.A. No. 8495 of 2023 is dismissed.

Let the Trial Court Records be sent back to the Court concerned forthwith along with a copy of this judgment.

(Ananda Sen, J.)

(Gautam Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 30th September, 2024
AKT/Satendra