



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

1. **CRA-S-1351-SB of 2004 (O&M)**
Reserved on:- 19.09.2025
Date of Decision: 12.11.2025

Yunus and anotherAppellants

Versus

State of HaryanaRespondent

2. **CRA-S-1205-SB of 2006 (O&M)**

Khusi RamAppellant

Versus

State of HaryanaRespondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Argued by: Ms. Neha Matharoo, Advocate and
Mr. Rajinder Goyal, Advocate
for appellant No. 1 (in CRA-S-1351-SB-2004).

Mr. Mandeep Singh, Advocate (Legal Aid Counsel)
for appellant No. 2 (in CRA-S-1351-SB-2004).

Mr. Bijender Dhankhar, Advocate
for the appellant (in CRA-S-1205-SB-2006).

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. Since both the criminal appeals (supra) arise from a common verdict made by the learned trial Judge concerned, hence they are amenable for a common verdict being made thereupon.

2. Both the above appeals have been preferred against the judgment of conviction dated 05.5.2004 and order of sentence dated 07.5.2004 passed by the learned Additional Sessions Judge, Fast Track



Court, Gurgaon in case FIR No. 294 dated 08.11.2001, registered under Sections 363, 366, 376, 109 and 506 IPC, at Police Station Sohna. Through the above said verdict, the learned trial Court concerned, convicted the appellants under Sections 376(2)(g) IPC. Appellant Khusi Ram was further convicted under Section 506 IPC. However, the other co-accused Dharamwati was acquitted of the charges framed against her. Through a separate sentencing order dated 07.5.2004, all the appellants were sentenced to undergo imprisonment along with fine as under:-

Under Section	Sentence	Fine	In default of payment of fine
376(2)(g) IPC	Rigorous imprisonment for 10 years	1000/- each	Rigorous imprisonment for six months each

3. Appellant Khusi Ram was further sentenced rigorous imprisonment for a period of six months under Section 506 of IPC.

Factual matrix

4. The brief facts of the case are that on 08.11.2001, the complainant, who is the mother of the prosecutrix, got recorded her statement with the police to the effect that her daughter, aged 15 years, had gone to look for her brother Manoj in the house of Dharamwati on 03.11.2001. However, she did not return back and had been missing since then. She also stated that there were about five tenants residing in the house of Dharamwati, and that one person namely Khusi Ram, who was also found missing, must have kidnapped her daughter by enticing her. On the basis of the above statement, formal FIR was registered and investigation was carried out.

5. During the course of investigation, on 13.11.2001, at about 2.30 P.M., the police party received a secret information on the basis of which,



accused Khusi Ram and the victim were apprehended from the bus stop. Statements of the witnesses were recorded. The medical examination of both the prosecutrix as well as accused Khusi Ram was conducted. Statement of the prosecutrix under Section 164 Cr.P.C. was recorded. Report of the FSL was also obtained. After completion of investigation, challan was presented against accused Khusi Ram before the Court of learned Court concerned.

6. Since the offences under Sections 366 and 376 IPC were exclusively triable by the Court of Session, therefore, the learned committal Court concerned, through a committal order dated 06.2.2002 committed the case to the Court of Session.

7. Later on, an application under Section 319 Cr.P.C. was moved by the prosecution for summoning Yunus, Jamshed and Dharamwati as additional accused. The said application was allowed by the learned Court concerned on 17.12.2002 and the above-stated persons were ordered to be summoned as additional accused to face trial along with accused Khusi Ram.

8. Charges were framed against the appellants herein under Sections 376(2)(g) and 363 IPC. In addition, accused Khusi Ram was also charge sheeted under Sections 376, 109 and 506 IPC. They pleaded not guilty and claimed trial.

9. In order to prove its case, the prosecution examined as many as 11 witnesses.

10. In the statement recorded under Section 313 Cr.P.C., the accused denied the prosecution case and pleaded false implication. The accused led three defence witnesses into the witness box.



11. After appreciating the evidence on record, the learned trial Court concerned vide impugned judgment/order convicted and sentenced the appellants under Section 376(2)(g) IPC. Accused Khusi Ram was also convicted and sentenced under Section 506 IPC. However, the other co-accused namely Dharamwati was acquitted of the charges framed against her by giving benefit of doubt. Hence, the present appeals.

Submissions made by learned counsel for the appellants

12. Learned counsel for the appellants have argued that the learned trial Court has failed to appreciate the evidence, and erred in convicting and sentencing the appellants. Moreover, there is a delay of five days in lodging the present FIR. It has been argued that there is no cogent and direct evidence to substantiate the allegations with respect to the role of the appellants in the alleged occurrence. The case of the prosecution rested solely on the testimony of the prosecutrix without any corroboration from the independent witnesses. However, there are material contradictions in the statements of the prosecutrix, inasmuch as in her statement recorded under Section 164 Cr.P.C., the prosecutrix named accused Khusi Ram, Yunus and Jamshed, but she did not mention therein about the use of any knife. Moreover, in her statement recorded on 16.12.2002, there was also no mention of any weapon. However, the use of knife was introduced for the first time in her testimony recorded on 21.11.2003. Therefore, the said material improvement is an afterthought, thereby affecting the credibility of her deposition. It has also been argued that despite the allegations of threat, no recovery of knife or any other incriminatory item was effected from the appellants. Moreover, there were no injury marks present on the person of the prosecutrix. Further, though PW-9 Dr. Renu Saroha, who conducted the



medico-legal examination upon the prosecutrix, has opined that the possibility of intercourse with the prosecutrix could not ruled out. However, no conclusive proof of forcible sexual assault upon the prosecutrix, has been given by the said witness. Therefore, the medical evidence also does not corroborate the case of the prosecution. Further, the prosecutrix was a major at the time of the alleged occurrence.

13. In addition, learned counsel for the appellants (in CRA-S-1351-SB-2004) have argued that the present appellants were not initially named in the present FIR. It was only after when the prosecution moved the application under Section 319 Cr.P.C., and that too after more than one year i.e. on 16.12.2002, they have been summoned as additional accused to face trial along with the other co-accused. It has further been argued that due to party faction in the village, the appellants were implicated in the present case. In support of the above submissions, learned counsel have placed reliance upon the judgment passed by the Hon'ble Supreme Court in *Criminal Appeal No. 2276 of 2014* titled as '*Manak Chand @ Mani versus The State of Haryana*', decided on 30.10.2023. Therefore, it is prayed that the impugned judgment/order be quashed and set aside.

Submissions made by the learned State counsel

14. *Per contra*, learned State counsel has vehemently opposed the arguments made on behalf of the appellants. It is submitted that the verdict of conviction, and consequent thereto sentences as imposed upon the convicts-appellants are well merited, and do not require any interference, being made by this Court in the exercise of its appellate jurisdiction. It is thus submitted that



the conviction of the appellants be upheld. As per the custody certificates dated 03.7.2025, appellant Khusi Ram has undergone 05 years 05 months and 12 days, whereas appellant Yunus has undergone 01 year, 13 days, and appellant Jamshed has undergone 01year, 02 months and 03 days of actual sentence. Sentence of appellants Khusi Ram, Jamshed, and Yunus was suspended on 01.3.2007, 05.7.2005, and 13.5.2005 respectively.

Analysis & conclusion

15. Heard the rival contentions advanced by the learned counsel for the parties and perused the records.

Statement of the prosecutrix

16. The prosecution case is rested on the statement of the prosecutrix, who stepped into the witness as PW-6. In her deposition made on 21.11.2003, PW-6 deposed that on the day of occurrence, she had gone to the house of Dharamwati to see her brother. On inquiry from Dharamwati, she was told that her brother was in the room of appellant Khusi Ram. When she went towards the room of Khusi Ram, he pushed her inside and bolted the door from inside. When she raised noise, she was shown a knife by the accused. She further deposed that appellant Khusi Ram forcibly untied the string of her salwar and committed rape upon her. Subsequently, she was taken by Khusi Ram, Younus and Jamshed to village Kanwarsika, where she was kept for some days, and all the accused-appellants committed rape upon her. She further deposed that on the intervening night of that day, she was then taken to Rewari. Appellants Jamshed and Yunus went back, whereas appellant Khusi Ram stayed with the prosecutrix in one room outside Rewari. Appellant Khusi Ram kept her there for 9-10 days and also used to commit rape upon her. During the said period, appellants Jamshed and



Yunus also used to visit the said room, and also used to commit rape upon the prosecutrix. Therefore, in her deposition, the prosecutrix named all the three appellants, who committed rape upon her. Similarly, in her earlier statement recorded by the learned trial Court on 16.12.2002, she has also named all the appellants, who committed rape upon her. Therefore, the echoings made in the examination-in-chief of the prosecutrix are in complete alignment with her previously made statement Ex. PB, made by her before the learned Magistrate concerned.

17. The prosecutrix was also subjected to the ordeal of a rigorous cross-examination, which she withstood, and maintained her stance with respect to the commission of the offence of rape upon her person by all the three accused.

Medical evidence

18. PW-9 Dr. Renu Saroha, who medico-legally examined the prosecutrix, has proved the MLR (Ex. PL). She after observing the report of the FSL (Ex. PH), has opined that the possibility of sexual intercourse with the prosecutrix could not be ruled out. It was further deposed that by the doctor that for the sole reason that there was no injury on the person of the prosecutrix, the possibility of not giving any resistance cannot be ruled out.

FSL Report

19. The FSL report was tendered as Ex. PH. One blue cotton underwear (Ex.1), one yellow polyester petticoat (Ex. 2a), one pink printed synthetic cloth underwear (Ex. 2b), two cotton wool swabs (Ex. 3a) and pubic hair (Ex. 3b) were examined by FSL. Human semen was



detected on Ex. 1 (underwear), Ex.2a (petticoat), exhibit-2b (underwear) and exhibit-3a(swabs).

Inference

20. It is trite law that conviction can be based on the sole testimony of the prosecutrix without any corroboration. Even in the absence of medical evidence, the appellants are liable to be convicted since the evidence of the prosecutrix is reliable. The Hon'ble Supreme Court in the decision reported as ***AIR 1996 Supreme Court 1393 State of Punjab v. Gurmit Singh and Ors.*** held:

“7..... The court while appreciating the evidence of a prosecutrix may look for some assurance of her statement to satisfy its judicial conscience, since she is a witness who is interested in the outcome of the charge levelled by her, but there is no requirement of law to insist upon corroboration of her statement to base conviction of an accused. The evidence of a victim of sexual assault stands almost on a par with the evidence of an injured witness and to an extent is even more reliable. Just as a witness who has sustained some injury in the occurrence, which is not found to be self-inflicted, is considered to be a good witness in the sense that he is least likely to shield the real culprit, the evidence of a victim of a sexual offence is entitled to great weight, absence of corroboration notwithstanding. Corroborative evidence is not an imperative component of judicial credence in every case of rape. Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances. It must not be overlooked that a woman or a girl subjected to sexual assault is not an accomplice to the crime but is a victim of another person's lust and it is improper and undesirable to test her evidence with a certain amount of suspicion, treating her as if she were an accomplice. Inferences have to be drawn from a given set of facts and circumstances with realistic diversity and not dead uniformity lest that type of rigidity in the shape of rule of law is introduced through a new form of testimonial tyranny making justice a casualty. Courts cannot cling to a fossil formula and insist upon corroboration even if, taken as a whole, the case spoken of by the victim of sex crime strikes the judicial mind as probable.”

21. The Hon'ble Supreme Court in ***Ganesan vs. State, 2020(10)***



SCC 573 observed that in order to hold the accused guilty for commission of offence of rape, the solitary evidence of the prosecutrix is sufficient, provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and is of sterling quality. The relevant extract of the judgment is reproduced as under:-

“9. In the present case, the appellant-accused has been convicted by the learned trial Court for the offence under Section 7, punishable under Section 8 of the POCSO Act. We have gone through the entire judgment passed by the learned trial Court as well as the relevant evidence on record, more particularly the deposition of PW1-father of the victim, PW2-mother of the victim and PW3-victim herself. It is true that PW2-mother of the victim has turned hostile. However, PW3-victim has fully supported the case of the prosecution. She has narrated in detail how the incident has taken place. She has been thoroughly and fully cross-examined. We do not see any good reason not to rely upon the deposition of PW3 - victim. PW3 aged 15 years at the time of deposition is a matured one. She is trustworthy and reliable. As per the settled proposition of law, even there can be a conviction based on the sole testimony of the victim, however, she must be found to be reliable and trustworthy.

*9.1 Whether, in the case involving sexual harassment, molestation etc., can there be conviction on the sole evidence of the prosecutrix, in the case of **Vijay alias Chinee (supra)**, it is observed in paragraphs 9 to 14 as under:*

*“9. In **State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550** this Court held that a woman, who is the victim of sexual assault, is not an accomplice to the crime but is a victim of another person's lust and, therefore, her evidence need not be tested with the same amount of suspicion as that of an accomplice. The Court observed as under: (SCC p. 559, para 16).*

“16. A prosecutrix of a sex offence cannot be put on par with an accomplice. She is in fact a victim of the crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence. The same degree of care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more. What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the



evidence of a person who is interested in the outcome of the charge levelled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her testimony short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence.

10. x x x x

11. x x x x

12. *In State of Orissa v. Thakara Besra, (2002) 9 SCC 86, this Court held that rape is not mere physical assault, rather it often distracts (sic destroys) the whole personality of the victim. The rapist degrades the very soul of the helpless female and, therefore, the testimony of the prosecutrix must be appreciated in the background of the entire case and in such cases, nonexamination even of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witnesses had not seen the commission of the offence.*

13. *In State of H.P. v. Raghubir Singh, (1993) 2 SCC 622 this Court held that there is no legal compulsion to look for any other evidence to corroborate the evidence of the prosecutrix before recording an order of conviction. Evidence has to be weighed and not counted. Conviction can be recorded on the sole testimony of the prosecutrix, if her evidence inspires confidence and there is absence of circumstances which militate against her veracity. A similar view has been reiterated by this Court in Wahid Khan v. State of M.P. (2010) 2 SCC 9 placing reliance on an earlier judgment in Rameshwar v. State of Rajasthan, AIR 1952 Supreme Court 54.*

14. *Thus, the law that emerges on the issue is to the effect that the statement of the prosecutrix, if found to be worthy of credence and reliable, requires no corroboration. The court may convict the accused on the sole testimony of the prosecutrix."*



22. In the case ***Phool Singh Vs. State of Madhya Pradesh 2022 (2) SCC 74***, it was held by the Apex Court that once it is found that the prosecutrix is reliable and trustworthy, there can be a conviction for the offence of rape under Section 376 IPC relying upon the deposition of the sole witness/victim. The relevant para of the judgment is reproduced as below:-

“5.1 At the outset, it is required to be noted that in the present case, the prosecutrix has fully supported the case of the prosecution. She has been consistent right from the very beginning. Nothing has been specifically pointed out why the sole testimony of the prosecutrix should not be believed. Even after thorough cross-examination, she has stood by what she has stated and has fully supported the case of the prosecution. We see no reason to doubt the credibility and/or trustworthiness of the prosecutrix. The submission on behalf of the accused that no other independent witnesses have been examined and/or supported the case of the prosecution and the conviction on the basis of the sole testimony of the prosecutrix cannot be sustained is concerned, the aforesaid has no substance.

5.2 In the case of Ganesan (supra), this Court has observed and held that there can be a conviction on the sole testimony of the victim/prosecutrix when the deposition of the prosecutrix is found to be trustworthy, unblemished and credible, and her evidence is of sterling quality.

23. In ***State of Himachal Pradesh Vs. Raghubir Singh 1993 (2) SCC 622***, the Hon’ble Supreme Court has determined that there is no legal requirement seeking additional evidence which corroborates the



testimony of the prosecutrix for convicting the accused. The emphasis is on assessing the quality of evidence rather than its quantity. A conviction can be based solely on the testimony of the prosecutrix, provided that her evidence instils confidence and there are no factors that cast doubt on her credibility. This approach underscores the principle that a reliable and credible account from the prosecutrix is sufficient to sustain a conviction without the necessity of further corroborative evidence. A similar view has been reiterated by this Court in ***Wahid Khan Vs. State of M.P. 2010 (2) SCC 9*** placing reliance on an earlier judgment in ***Rameshwar Vs. State of Rajasthan AIR 1952 SC 54.***

24. Further, it has been held in plethora of judgments of Hon'ble Supreme Court that minor discrepancies in the evidence do not necessarily undermine the prosecution's case. The Court has recognized that trivial inconsistencies are common in witness testimony and do not inherently compromise the reliability or integrity of the overall evidence. Thus, these slight variations should not be construed as sufficient grounds to question the credibility of the prosecution's case. The relevant extract of the judgment of Hon'ble Supreme Court in ***Rameshji Amarsing Thakor v. State of Gujarat 2023 SCC OnLine SC 1321*** is reproduced as below:-

*“8. On the aspect of discrepancies, it has been held by this Court in the case of **State of H.P. Vs. Lekh Raj and another, reported in [2000 (1) SCC 247]***

"7. In support of the impugned judgment the learned counsel appearing for the respondents vainly attempted to point out some discrepancies in the statement of the prosecutrix and other witnesses for discrediting the prosecution version. Discrepancy has to be distinguished from contradiction. Whereas, contradiction in the statement of the witness is fatal for the



case, minor discrepancy or variance in evidence will not make the prosecution's case doubtful. The normal course of the human conduct would be that while narrating a particular incident there may occur minor discrepancies, such discrepancies in law may render credential to the depositions. Parrot like statements are disfavoured by the courts. In order to ascertain as to whether the discrepancy pointed out was minor or not or the same amounted to contradiction, regard is required to be had to the circumstances of the case by keeping in view the social status of the witnesses and environment in which such witness was making the statement. This Court in **Ousu Varghese v. State of Kerala [(1974) 3 SCC 767: 1974 SCC (Cri) 243]** held that minor variations in the accounts of the witnesses are often the hallmark of the truth of their testimony. In **Jagdish v. State of M.P. [1981 Supp SCC 40: 1981 SCC (Cr) 676]** this Court held that when the discrepancies were comparatively of a minor character and did not go to the root of the prosecution story, they need not be given undue importance. Mere congruity or consistency is not the sole test of truth in the depositions This Court again in **State of Rajasthan v. Kalki ((1981) 2 SCC 752: 1981 SCC (Cri) 593]** held that in the depositions of witnesses there are always normal discrepancies, however, honest and truthful they may be... Such discrepancies are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition such as shock and horror at the time of occurrence, and the like. Material discrepancies are those which are not normal and not expected of a normal person.

8. Referring to and relying upon the earlier judgments of this Court in **State of U.P. v. M.K. Anthony [(1985) 1 SCC 505 : 1985 SCC (Cri) 105 : AIR 1985 SC 48]**, **Tahsildar Singh v. State of UP. [AIR 1959 SC 1012: 1959 Supp (2) SCR 875]** **Appabhai v State of Gujarat [1988 Supp SCC 241: 1988 SCC (Cri) 559: JT (1988) 1 SC 2491 and Rammi v. State of M.P. [(1999) 8 SCC 649: JT (1999) 7 SC 247]**, this Court in a recent case **Leela Ram v. State of Haryana [(1999) 9 SCC 525: JT (1999) 8 SC 274]** held:

"There are bound to be some discrepancies between the narrations of different witnesses when they speak on details, and unless the contradictions are of a material dimension, the same should not be used to jettison the evidence in its entirety. Incidentally, corroboration of evidence with mathematical niceties cannot be expected in criminal cases. Minor embellishment, there may be, but variations by reason therefor should not render the evidence of eyewitnesses unbelievable. Trivial discrepancies ought not to obliterate an otherwise acceptable evidence...



The court shall have to bear in mind that different witnesses react differently under different situations: whereas some become speechless, some start wailing while some others run away from the scene and yet there are some who may come forward with courage, conviction and belief that the wrong should be remedied. As a matter of fact it depends upon individuals and individuals. There cannot be any set pattern or uniform rule of human reaction and to discard a piece of evidence on the ground of his reaction not falling within a set pattern is unproductive and a pedantic exercise.”

25. Reverting to the case in hand, the foremost ground to contest the conviction in the instant case is that there is a delay of five days in registration of the instant FIR. Even if the same is to be considered, it must be seen that delay was on the part of the family of the prosecutrix. However, the same cannot be taken as a ground to dent the testimony of the prosecutrix, which has remained consistent throughout.

26. The age of the prosecutrix was determined by the learned trial Court as being above 18 years at the time of the alleged offence, based on her radiological examination as per which her age was between 17.5 to 18 years, and also the school records as per which her date of birth was 2.4.1983. In her statement recorded before the Magistrate under Section 164 Cr.P.C., the prosecutrix named all the three accused, and specified their roles in the commission of the alleged offence. Further, even throughout her evidence as a prosecution witness, it was the categorical stance of the prosecutrix that the first incident of the alleged offence had been committed by the accused Khusi Ram. It was thereafter, when she was taken to Kanwarsika and later on detained in a windowless room on the outskirts of Rewari, that the accused Yunus and Jamshed also violated her person. The consistent stand of the prosecutrix remained unshaken even upon a rigorous cross-examination, particularly given her



submission that she had been threatened and slapped by a police official to not name Yunus and Jamshed as accused persons. Moreover, the statement made by the DSP in his examination as a defence witness (DW-3), that the accused Yunus and Jamshed were made accused due to a party faction, cannot be relied upon, since the said witness in his cross-examination admitted that he had neither examined the prosecutrix himself, neither was he aware that the prosecutrix had specifically named all the three accused in her statement before the learned Magistrate, and nor did he have the knowledge about the complaints made by the mother of the prosecutrix to various authorities vis C.M. Haryana, S.P., Gurgaon and Home Minister, Haryana to report that the prosecutrix was being pressurized into not naming Jamshed and Yunus as accused persons. The defence has not been able to establish that there was any motive to falsely implicate the accused persons. Therefore, in light of these facts, the minor discrepancies in the statements recorded under Section 164 Cr.P.C. and the deposition as a prosecution witness cannot be taken as credible enough to impeach the version advanced by the prosecutrix, particularly given the fact that the two were recorded over a gap of about two years.

27. Further, the detection of human semen on the exhibits of the prosecutrix corroborate the fact that sexual intercourse had taken place with the prosecutrix. Mere absence of injuries on a person, who has been ravished by three individuals over the course of time, is not suffice to raise doubts on the prosecutrix, given that each individual responds to traumatic events in a different manner. Therefore, the assertion by the learned counsel for the appellants that there were no visible injuries on the



person of the prosecutrix lacks merit. Reliance in this regard can be placed on the judgment passed by the Hon'ble Supreme Court in ***Krishan Vs. State of Haryana 2014 (13) SCC 574***, wherein it was held that is not necessary in every case of rape the victim should have injuries on her body to establish her case.

28. It requires no elaboration that while the physical injuries inflicted upon a victim of rape may eventually heal, the emotional and psychological scars are likely to persist indefinitely. Crimes involving violence against women must be met with severe punitive measures. Courts must heed society's urgent call for justice, especially in cases involving the heinous crime of rape against innocent and vulnerable young girls. Such conduct by the convicts cannot be treated with leniency, especially given the rising incidents of crimes against children and the unimaginable trauma that the victim will endure for the rest of her life.

Final order

29. The result of the above discussion, is that this Court does not find any merit in both the appeals, and is constrained to dismiss them. Consequently, both the appeals are dismissed. The impugned judgment of conviction dated 05.5.2004 and order of sentence dated 07.5.2004, passed by the learned trial Court, are maintained and affirmed. If the convicts-appellants are on bail, thereupon the sentence(s) imposed upon them, be ensured to be forthwith executed by the learned trial Judge concerned through his drawing committal warrants. The case property be dealt with, in accordance with law, but after the expiry of the period of limitation for the filing of an appeal.

30. Record of the case(s), if any, be sent back to the Court(s) below.



31. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

November 12th, 2025
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No