

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

CRIMINAL APPEAL NO. 353 of 2005

STATE OF M.P.

..... APPELLANT

VERSUS

POORAN SINGH & ORS.

..... RESPONDENTS

O R D E R

1. We have heard the learned counsel for the appellant.

2. The respondents despite service have not put in appearance.

3. We have gone through the judgment of the High Court very carefully with the help of the learned counsel.

4. Several reasons have been recorded by the High Court in rendering the judgment of acquittal; they being that the prosecutrix herself had filed an affidavit disowning the prosecution story and the fact that no rape had been committed has also been confirmed by her father-in-law who was examined as prosecution witness. Likewise, the doctor did not find any evidence of rape. It has also come in the evidence of the prosecutrix that after the rape had been committed she

had returned to the village and had seen the accused sitting on the chabuthra and this fact had been pointed out by her to her husband, but despite this information, the First Information Report was lodged after a delay of 48 hours. We are of the opinion that the reasons recorded by the High court that have been made the basis of the acquittal, are germane to the evidence. We, accordingly, decline to interfere in this matter.

5. The appeal is dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
MARCH 15, 2011.

JUDGMENT