

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

CRIMINAL APPEAL NO. 516 OF 2007

KAKI	...	APPELLANT(S)
:VERSUS:		
STATE OF PUNJAB	...	RESPONDENT(S)

ORDER

Having heard the learned counsel for the parties and having been taken through the judgments of the Courts below as also keeping in view the position of the prosecutrix, we are of the opinion that no case has been made out for our interference in the matter.

Admittedly, Ajaib Singh, who was convicted for commission of an offence under Section 376 of the I.P.C. and sentenced to undergo rigorous imprisonment for 10 years, has not approached this Court. The appellant herein is the sister of the mother of the prosecutrix. It has been established by the prosecution by bringing cogent and sufficient evidence on record that on the intervening night of 11/12.4.1992, the appellant enticed the prosecutrix to the house of one Sarwan Singh, which is at some distance, so as to facilitate Ajaib Singh to commit rape upon her.

Learned counsel for the appellant submits that keeping in view the fact that

the appellant has two daughters, the sentence imposed upon her may be converted into the period already undergone by her.

Keeping in view the object and the purport for which the provisions of Section 366 of the I.P.C. was enacted and furthermore in view of the relationship between the parties, on the basis whereof the prosecutrix must have placed explicit trust and reliance on her for the purpose of accompanying her in the night to a place at some distance, i.e. on the pretext that she (appellant) was going to the field for easing herself, we are of the opinion that no case has been made out for interference with the quantum of sentence.

The appeal is accordingly dismissed.

.....J
(S.B. SINHA)

.....J
(Dr. MUKUNDKAM SHARMA)

NEW DELHI,
MAY 5, 2009.

JUDGMENT