

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

CRIMINAL APPEAL NO. 1012 OF 2006

KARUBA NALLAPPPAGARI

.....

APPELLANT

VERSUS

STATE OF A.P.

.....

RESPONDENT

O R D E R

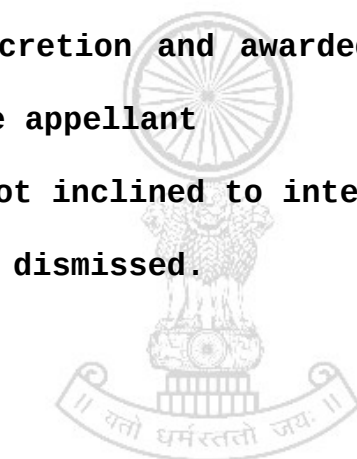
1. The only argument made by the learned counsel is with regard to the quantum of sentence.
2. The accused appellant stands charged for offences punishable under Section 376 of the Indian Penal Code for having raped a girl aged about 9 years. P.W. 2, the victim appeared in the witness box and gave a very gruesome and pathetic story as to the manner in which she had been raped. The trial court, which in this case is the Assistant Sessions Judge, held that as the accused was about 19 years of age on the date of the incident a sentence of 7 years would meet the ends of justice. The matter was thereafter taken by way of an appeal before the Sessions Judge who confirmed the conviction and sentence of

the appellant. The High Court further in revision has also affirmed the order of the courts below. The matter is before us after the grant of special leave.

3. It bears highlighting that sub-clause (f) of sub-section (2) of Section 376 specifically provides for a sentence of not less than 10 years where the rape is committed on a woman under 12 years of age although the proviso gives liberty to the Court to impose a sentence of less than 10 years by recording special and adequate reasons. We observe that the Courts below have already exercised their discretion and awarded a sentence of less than 10 years to the appellant

4. We are thus not inclined to interfere in the matter.

5. The appeal is dismissed.



.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

NEW DELHI
AUGUST 03, 2010.