

Ch. Laiq Singh and Others

Vs

State of Uttar Pradesh

Criminal Appeal No. 3 of 1967

(CJI M. Hidayatullah, A.N. Ray, I.D. Dua JJ)

02.12.1969

JUDGMENT

HIDAYATULLAH, C.J. -

1. The appellant Laiq Singh, a former member of the Legislative Assembly of Uttar Pradesh is the appellant before us with several others who all have been convicted under Section 365 read with Section 149 and Section 147 of the Indian Penal Code. Laiq Singh has been sentenced in the aggregate to three years' rigorous imprisonment and the others have been sentenced in the aggregate to one year's rigorous imprisonment. Previously, the Additional Sessions Judge, Kanpur had acquitted them in the trial before him. The State Government appealed and the acquittal was set aside and the conviction and the sentences as stated above resulted.

2. In the appeal before the High Court parties had put in an application for compounding the offences. There were several other offences with which these persons were charged. They were all compoundable. The offence for which they stand now convicted could not be compounded even with the permission of the Court with the result that the acquittal was recorded by the High Court in respect of the other offences, but the conviction and sentences in respect of the two offences which were mentioned above have been recorded.

3. In arguing the appeal, Mr. Chari did not seek to have the conviction set aside. He rather aimed at having the sentences reduced in the case to the period of imprisonment already undergone by the appellants. He made out a case on the record showing that the complainant Shashi Kala who was supposed to have been abducted with a view to her being either murdered or confined, was not a person who would have been taken with this purpose. He took us through the history of the relationship between Laiq Singh and the complainant Sashi Kala and showed that they had been in intimate relations for several years. It appears that Laiq Singh was the guardian of Sashi Kala, but taking advantage of his position, he seduced her and got her pregnant on more than one occasion. Two abortions are deposed to by Sashi Kala. Subsequently she refused to have an abortion and a child was born to her. It was after this that Shashi Kala pressed upon Laiq Singh the fact of her having become the mother and asked him to marry her. Laiq Singh could not marry her, because he had already a wife living and the incident which is deposed to took place after Shashi Kala had gone to a cinema in the company of a Sub-Inspector, a relation of Laiq Singh, and was returning from the cinema. According to Shashi Kala, the Sub-Inspector got down from the Jeep and three persons and the wife of Laiq Singh got into the jeep. The jeep was then driven away and it was Shashi Kala's case that she was gagged while she was in the jeep so that she could not make any noise. However, the jeep was stopped at one place when the gag was removed, she shouted for help and that is how the party came to be arrested. Shashi Kala's apprehension was that she was being taken away by

them to be murdered or to be confined in some place. The learned Judges in the High Court have accepted the latter version and have held that there was abduction with a view to confining Shashi Kala.

4. The offence would have been serious but for certain facts which have emerged in the case mainly through Shashi Kala herself. We have already stated that Shashi Kala and the main appellant Laiq Singh were in intimate relations over a long period. In fact Shashi Kala says that she was seduced when she was only 16 years or 17 years of age. At the time of the prosecution, Shashi Kala's age was about 24 years which shows that a period of about 7 years had passed between her first seduction and the complaint which resulted in this prosecution. During this time, Shashi Kala herself states that she became pregnant on three occasions and that finally she had a child after two abortions had been practised upon her. She also admits that she was introduced to some persons with a view to marriage with them, but she declined to marry the persons to whom she was introduced. One such person by name Khandlekar lived with her for some months and Shashi Kala is candid enough to admit that she got into close intimate relations with him also. Another person by name Navin was also introduced to Shashi Kala so that she could be married to him. Some letters have passed between them although they do not seem to have been proved as they should have been. However the fact is admitted by her that she was in his company for sometime.

5. It appears to us therefore, that Shashi Kala was a girl of easy virtue and although she was set on the path of depravity mainly by Laiq Singh, she perhaps was not averse to what was happening to her. In these circumstances, we think that not much serious notice can be taken of the allegation of abduction. We cannot take into account the previous relationship between Laiq Singh and the girl. After all we are not punishing him for having seduced the innocent girl although the account of the girl reads like Justine of Marquis de Sade. That is not the offence for which Laiq Singh is being tried and we must take it away from our mind in assessing the punishment for the guilt which has been brought home to him. She was being taken away in the jeep forcibly and this may have happened on more than one occasion and not much serious notice can be taken of this in view of their relationship. We think that in the circumstances of this case, it is not necessary to impose the heavy sentence which has been imposed upon him. The ends of justice will be satisfied by reducing the sentence to the period of imprisonment already undergone by him. In coming to this conclusion, we must take note of the fact that Laiq Singh is a person interested in politics. He was a member of the Assembly before and now after his conviction, he will not have the chance of representing any constituency in the future. The sentence of the other appellants is also reduced to the period of imprisonment already undergone by them. With this modification of the sentence, the appeal fails and is dismissed. Bail bonds shall stand cancelled.

Appeal dismissed.

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