

SUPREME COURT OF INDIA

Jambir Mahato

Vs.

State of West Bengal

CrI.A.No.1329 of 2006

(P.P.Naolekar and P.Sathasivam, JJ.)

13.02.2008

ORDER

1. The prosecution case, in brief, is that on 21.2.1999 at about 11 a.m., when the prosecutrix was returning to her house after working in the brickfield of Mahadeb Bera, then near Laltanrd jungle, appellant-accused came from behind on a cycle, molested her, put his napkin (gamchha) inside her mouth and forcibly raped her. Appellant-accused also threatened her not to disclose the matter to anyone; otherwise he would kill all her family members. After returning to her house, the prosecutrix narrated the incident to her sister (P.W.5) who, in turn, narrated it to their mother (P.W. 2). PW. 2 waited for her husband (PW 4) to return and after informing him, she went to the police station with the prosecutrix and lodged an F.I.R. against the appellant-accused.

2. Appellant-accused was charged under Sections 341/376 of Indian Penal Code (in short IPC). By the judgment and order dated 27.3.2003, the Sessions Judge, Purulia found the appellant-accused guilty and sentenced him to suffer R.I. for ten years for the commission of offence under Section 376 IPC and for the charge under Section 341 IPC, he was sentenced to suffer R.I. for six months.

3. Appellant-accused filed an appeal before the High Court challenging his conviction passed by the Sessions Judge. The High Court, by the impugned judgment dated 29.11.2005, dismissed the appeal and confirmed the sentence of the appellant-accused.

4. Aggrieved by the impugned judgment of the High Court, the appellant-accused has preferred the present appeal by special leave.

5. We have heard learned counsel for the parties and have gone through the evidence on record.

6. The statement of prosecutrix has been corroborated by the F.I.R. lodged by her in the police station and also by her sister PW 5 Putibala Paramanik to whom the entire incident was narrated by the prosecutrix immediately.

7. We have minutely gone through the judgment delivered by the Sessions Judge as well as that of the High Court. We do not find any infirmity in the judgment of the Sessions Judge and th impugned judgment delivered by the High Court confirming the sentence of the appellant. The appeal is, accordingly, dismissed.