* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment Reserved on: 20.01.2026***
Judgment pronounced on: 23.01.2026

\+ CRL.A. 313/2023

XXX .....Appellant

Through: Mr. Nitin Saluja and Ms. Kanishka Bhati, Advocates (DHCLSC)

versus

STATE (NCT OF DELHI) .....Respondent

Through: Mr. Utkarsh, APP for the State.
SI Vikram Singh, P.S. Welcome.
Mr. Himanshu Anand Gupta and Mr. Karan Jain, Advocates for Victim.

CORAM:
HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. In this appeal filed under Section 374(2) read with Section 482 of the Code of Criminal Procedure, 1908, (the Cr.PC) the appellant, the sole accused, in SC No. 424 of 2021 on the file of the Sessions Court, Karkardooma Courts, Delhi, assails the judgment dated 30.11.2022 as per which he has been convicted and sentenced for the offence punishable under Section 376 (2)(f) of the Indian Penal Code, 1860 (the IPC).

2. The prosecution case is that on 16.03.2021 at about 1:00 PM at H.No. 101, G-Block Gali No.1, Janta Majdoor Colony, New Delhi, the appellant/accused in a drunken state, forcibly removed the clothes of PW1, his mother, and committed digital rape on her. Hence, as per the final report/chargesheet, the accused is alleged to have committed the offences punishable under Sections 323 and 376 IPC.

3. On the basis of Ext. PW1/A FIS of PW1, given on 16.03.2021, Crime No. 146/2021, Welcome Police station, that is, Ext. PW11/A, FIR was registered by PW11, Additional Sub-Inspector (ASI). PW18, Sub-Inspector conducted investigation into the crime and on completion of the same, filed the charge-sheet/final report dated 12.05.2021 alleging commission of offences punishable under the aforementioned Sections.

4. When the appellant/accused was produced before the trial court, all the copies of the prosecution records were furnished to him as contemplated under 207 Cr.PC. After hearing both sides,

the trial court as per order dated 16.11.2021, framed a charge under Section 376 (2)(f) IPC, which was read over and explained to the appellant/accused to which he pleaded not guilty.

5. On behalf of the prosecution, PWs.1 to 18 were examined and Exts. PW9/13A-M, PW10/A, PW11/A-C, PW12/A, PW/13/A, PW15/A-B, PW16A-B, PW17/A-B, PW18/A-D, EXCW1/B-E, were marked in support of the case.

6. After the close of the prosecution evidence, the accused was questioned under Section 313 Cr.PC regarding the incriminating circumstances appearing against him in the evidence led by the prosecution. He denied all those circumstances and maintained his innocence. He submitted that he had been falsely implicated because of his habit of drug/alcohol consumption. His sisters along with his mother wanted to grab his share of the property. This false case has been registered by his mother under the undue influence of his sisters.

7. After questioning the accused under Section. 313 CrPC, compliance of Section 232 Cr.PC. was mandatory. In the case on hand, no hearing as contemplated under Section 232 CrPC is seen done by the trial court. However, non-compliance of the said provision does not, *ipso facto* vitiate the proceedings, unless omission to comply with the same is shown to have resulted in serious and substantial prejudice to the accused (See **Moidu K. vs. State of Kerala, 2009 (3) KHC 89: 2009 SCC OnLine Ker 2888**). Here, the accused has no case that non-compliance of Section 232 Cr.PC has caused any prejudice to him. No oral or documentary evidence was adduced by the accused.

8. Upon consideration of the oral and documentary evidence on record and after hearing both sides, the trial court, *vide* the impugned judgment dated 30.11.2022 held the appellant/accused guilty of the offence punishable under Section 376 (2)(f) IPC. Consequently, the trial court *vide* order on sentence dated 12.01.2023 sentenced the appellant/accused to undergo rigorous

imprisonment for a period of 10 years for the offence punishable under Section 376 (2)(f) IPC and to fine of ₹ 10,000/-, and in default of payment of fine, to undergo simple imprisonment for six months. Aggrieved, the appellant/accused has preferred this appeal.

9. Heard both sides.

10. The first argument advanced by the learned counsel for the appellant/accused in the Court as well in his written submissions reads :-

"*(i) The allegation that the appellant suddenly entered the room, completely removed the saree (which consists of a blouse/petticoat/undergarments) of the prosecutrix, and thereafter inserted his fingers into her vagina "two to three times" is wholly inconsistent with human probability; (ii) It stands admitted from the depositions of the prosecutrix (PW-1) and neighbours PW- 6, PW -7, and PW - 8) that when they reached outside the room where the alleged incident took place, the prosecutrix had her*

saree on her body however it was in a bad condition. Further it has also come in the evidence of the said PWs that the neighbours had reached almost immediately upon hearing her cries; (iii) It is pertinent that a saree is a long, multi-layered garment, tightly tucked into a drawstring petticoat and draped over the shoulder. It cannot be swiftly or easily removed without deliberate unwrapping or loosening of the drawstring. In any forceful removal, disturbance such as torn fabric, undone drawstring, or disarray of the drape would ordinarily be visible. No such disturbance or damage was observed or forms part of the record since admittedly the said saree has not been seized / recovered; (iv) The prosecution's narrative that an elderly lady was completely disrobed, assaulted, and then redressed herself within seconds, before the arrival of the neighbours, is practically impossible, rendering the allegation of penetration wholly implausible; and (v) Even assuming arguendo that some physical contact occurred, it could only have been over the saree or undergarments. Such

external contact, without actual entry into the genital organ, cannot constitute penetration within the meaning of Section 375 IPC."

11. *Per contra,* it was submitted by the learned Additional Public Prosecutor that the testimony of PW1 as well as PW6 to PW8, the neighbours, prove the prosecution case beyond reasonable doubt. There is no reason to disbelieve PW1, who is none other than the mother of appellant/accused. There is no infirmity in the impugned judgment calling for an interference by this Court, argued the prosecutor.

12. Before I address the argument advanced, I make a brief reference to the testimony of PW1 and her neighbours. In Exhibit PW1/A FIS, recorded on the same day of the incident, i.e. on 16.03.2021, PW1 has stated thus:- "The accused, who is one of my sons, is residing in the ground floor of the building. On the day of the incident, by about 01:00 p.m., he came inside my room in a highly intoxicated state. He switched on the TV at high volume.

So, I went down to my younger son's room on the first floor and was resting on the bed. My son, (accused) came into the room, closed all the windows and doors and forcibly undressed me and inserted his finger into my private part three to four times. (मेरे पेशाब करने वाली जगह पर अपने हाथ की उंगलियां को तीन चार बार डाला है. मेरे साथ Rape करने की कोशिश की.....) I tried to resist the assault but failed. In order to escape, I asked for water. When he got up, I opened the window and cried out. Hearing my cries, my neighbour came to my rescue...."

13. In Exhibit PW18/C, the 164 statement, recorded on 24.03.2021, PW1 reiterates her case in the FIS. The gist of the testimony of PW1 when examined before the trial court on 25.02.2022 is:- The accused is her elder son. The wife of the accused deserted him, as he used to beat her. There are four floors in the building, in which she is residing. The accused resides on the ground floor, her younger son on the first floor and she resides

on the second floor. There is a common bath room on the third floor, which is used by all the inmates of the house. On 16.03.2021, the accused came into the bathroom for taking bath, at which time she was in her room. The accused went into her room in a heavily intoxicated condition. He switched on the TV in her room. She, then, went to the room of her younger son and was lying on the bed taking rest. The accused came inside the room, closed the door and windows of the room. Despite her stiff resistance, the accused removed her clothes and he put his finger into her private part thrice. She asked the accused to give her water and that he can do whatever he wanted thereafter. As soon as the accused went to take water, she opened the door and windows of the room and started shouting. On hearing her cries, PW6, her neighbour, and another person whom she addresses as Buchchi and many others came to her help. She revealed the incident to them. They beat the accused. Thereafter, her son-in-law informed the police. In the cross-examination, PW1 deposed that the accused,

her son, is in the habit of taking drugs and alcohol. Despite her complaints, he never stopped his habit. She denied the suggestion that she had filed this false case against the accused as the latter used to harass her and her other children due to which they wanted to get rid of him.

14. PW6, a neighbour of PW-1, was examined before the trial court on 30.04.2022. He deposed that about 1 ½ years back, while he was in his house, by about 02:30 p.m., he heard the cries of PW1:- "*Mujhe bacha lo meri izzat loot li*". Hearing this, he rushed to the house of PW1 and then he saw the accused pulling PW1 inside the house, which attempt she was resisting. PW1 was in a bad state. Her saree was almost removed from her body (*uski saree khuli hui thi bas jara si body se lagi hui thi*). He asked the accused to let go PW1. He took PW1 to the ground floor at which time, the accused locked himself in the room. The people of the locality gathered and the accused was made to open the door. When the accused came out, he was beaten up. PW1's son-in-law

informed the police. In the cross examination PW6 deposed that when he saw PW1 she was in the second floor of her house. By the time he reached the place, the door was already open. PW6 also deposed that the accused was in the habit of consuming drugs and alcohol. He admitted that the accused used to annoy him as well as his family members in a drunken state. He admitted that the wife of the accused had deserted him as he used to physically assault her.

15. PW7, another neighbour of PW1, deposed that on the date of the incident, while he was at home with his children, he heard the cries of PW1 from her house. When he came out, he saw PW6 bringing down PW1 from her house. When he reached the place, he saw that PW1 was partially outside her house and the accused trying to pull her inside. PW6 sought his help in order to rescue PW1 from the clutches of the accused. As soon as he went upstairs, and when the accused saw him, the latter released PW1, closed the door of the room and locked himself in the room. PW7

also deposed that he had heard PW1 crying:- "*mai kahi ki nahi rahi, meri izzat loot li*". When he saw PW1, her saree was slightly attached to her body, while the remaining portion was under the door (*baki hissa darwaje ke niche fasa hua tha*). PW1's saree was taken out from under the door and thereafter she was brought down the stairs. PW1's son-in-law informed the police. The accused was brought down from the room and he was beaten up by the public. In the cross examination PW7 deposed that he has cordial relations with PW1, as she is his immediate neighbour. The accused is addicted to drugs. PW7 also deposed that there used to be quarrels in the house of the accused due to his drug addiction. He also denied the suggestion that a false case has been taken against the accused as PW1 and her daughter did not want to give the latter a share in the property.

16. PW8, yet another neighbour, supports the prosecution case. He deposed that on the date of the incident he heard cries from his neighbourhood. His father also went to the house of PW1

and managed to rescue PW1 from the clutches of the accused who was trying to pull her inside the room. His father brought PW1 down the stairs. Even, when PW1 was brought down, the accused was trying to pull PW1 inside the house (*prosecutrix ke sath khicha tani kar raha tha*). The public beat up the accused. The son-in-law of PW1 came to the spot and informed the police.

17. Before I address the first argument of the learned counsel for the appellant that it was not physically possible to commit rape and that there is no conclusive evidence regarding penetration, I will briefly refer to the judgements relied on by the learned counsel in support of his argument that no rape took place. In **Suraj v. State of Maharashtra 2021 SCC OnLine Bom 325,** the case of the prosecutrix was that she was resting on a cot in her house and her younger brother was sleeping on the ground at which time her mother had gone to attend nature's call. At the said time, the accused came into her house under the influence of liquor, and when she tried to shout, gagged her mouth. Thereafter,

he removed her clothes, undressed himself, spread her legs and inserted his penis into her vagina. After he ejaculated, he ran away by taking his clothes. Thereafter when her mother came, she disclosed the incident to her mother, pursuant to which the complaint was given. It was held that the testimony of the prosecutrix did not inspire the confidence of the Court as the incident, as narrated by her, did not appeal to reason as the same was against natural human conduct. It was held that it was highly impossible for a single man to gag the mouth of the prosecutrix, remove all her clothes as well as his clothes and then perform forcible sexual act, without any scuffle. The medical evidence also did not support the case of the prosecutrix. Therefore, in the words of the learned Single Judge, "*the sub-standard quality of the testimony of the prosecutrix*" was insufficient to find the accused guilty of the offence of rape and proceeded to acquit the accused.

17.1. **Santosh v. The State (NCT of Delhi),** judgment dated 17.02.2011in **Crl.Appeal 26/2009,** was a case in which the First

Information Statement (FIS) did not reveal any allegation of rape. On the other hand, the case of the prosecutrix was that her neighbour took her behind the house, where it was dark and when she tried to raise an alarm, he gagged her mouth, fondled her cheeks and touched her private parts and other parts of her body. At that stage, she raised alarm, at which time her father arrived and apprehended the accused. About a month and a half of the incident, the statement of the prosecutrix was recorded under Section 164 Cr.PC., in which she made substantial improvements. She stated that the accused had removed her undergarments, opened the zip of his pant and had inserted his penis into her vagina. There was no medical evidence to support the case of penetration. Hymen was found intact. On local examination of the prosecutrix, no injuries were also noted. In such circumstances, the prosecution case of rape was disbelieved and it was found that the materials on record proved only the offence under Section 354 IPC.

17.2. **Aman Kumar v. State of Haryana, (2004) 4 SCC 379** was a case in which the prosecutrix alleged that she had gone to the field to ease herself. When she reached the field, the accused persons caught hold of her right arm and dragged her forcibly into the field. They gagged her mouth with her chunni and both of them forcibly raped her. The testimony of the prosecutrix and the doctor did not specifically refer to penetration, which is *sine qua non* for the offence of rape. Therefore, in such circumstances, it was held by the Apex Court that there were no materials on record to show that the accused had raped her. There were also no materials to show that there was an attempt to commit rape. The materials on record only revealed a case of indecent assault on the prosecutrix and hence, the conviction of the accused under Section 376(2)(g) IPC was set aside and he was convicted under Section 354 IPC.

17.3. In **Tarkeshwar Sahu v. State of Bihar, (2006) 8 SCC 560,** the materials on record showed that the accused had forcibly taken the prosecutrix to his Gumti for committing illicit

intercourse. But before he could ravish her, she raised an alarm pursuant to which her father and the other villagers residing in the vicinity gathered at the spot and immediately thereafter the accused and the prosecutrix came out. It was found that the materials on record did not reveal an offence of rape or an offence of attempt to commit rape. There were no materials to show that there was any attempt to penetrate or that penetration had taken place. In such circumstances, it was held that the offence of rape was not made out. However, the materials on record revealed offence under Section 354 IPC.

17.4. In **Kundan Lal alias Thakur Dass v. State of Himachal Pradesh, 2010 SCC OnLine HP 3260**, the prosecution case was that the accused had committed rape on the prosecutrix despite her resistance. The materials on record revealed that the incident had taken place at about 05:30 p.m. and that there were some houses or orchard at some distance. Despite the same, the prosecutrix never made any attempt to raise an alarm. There were

no marks of violence found on her body and, therefore, it was held that the materials on record did not corroborate the testimony that she was raped despite her resistance. The medical evidence also did not support the case of rape. In such circumstances, the conviction of the accused for the offence of rape was set aside.

17.5. In **Nankau @ Gore La v. State of Uttar Pradesh, 2015 SCC OnLine All 870,** the case of the prosecutrix was that she was raped and after the penetration she was bleeding, which continued even when the FIS was given. However, the medical evidence did not support her version. There were also no injuries seen on the person of the accused. In addition, contradictions were also found in the statement and testimony of the victim and hence the benefit of doubt was given and the accused acquitted.

17.6. In **Ishwar v. State 2012 SCC OnLine Del 267,** the case of the prosecutrix was that the accused inserted his penis into her vagina at which time he had not removed her underwear. According to her, some stains of urinal discharge was there on her

underwear. However, the medical evidence did not support her version of penetration. On the other hand, the hymen was reported to be intact. The underwear, which was alleged to have had stains due to the urinal discharge at the time of the assault was never seized or examined. In such circumstances, it was held that the materials did not substantiate the case of rape and that it only revealed an offence under Section 354 IPC.

17.7. In **Madhu Shudan Dutto v. State Govt. of NCT of Delhi,** judgment dated 15.01.2026 in Crl.A. 649/2025, (authored by myself), the case of the prosecutrix was that the accused had rubbed his penis on her private part. This act of the accused was held not to come within any of the clauses of Section 3 of the PoCSO Act and, therefore, the conviction of the accused for the offence under Section 6 was set aside and he was found guilty of the offence under Section 9(m) punishable under Section 10 of the PoCSO Act.

17.8. In **Premiya v. State of Rajasthan, (2008) 10 SCC 81,**

the prosecution case was that the accused threw the prosecutrix on the ground and took off his pajama, lifted the ghaghara of the prosecutrix and raped her. When the prosecutrix tried to resist, the accused gave a blow on her eye and threatened to kill her if she made any noise. When, she again cried for help, her aunt came and rescued her. The Apex Court found from the materials on record that the prosecutrix had not stated specifically about the act committed by the accused. On the other hand, she had loosely described the act as "fondling". From the evidence it was found that only an offence under Section 354 IPC had been made out.

17.9. In **State v. Vipin @ Lalla, judgment** dated 07.01.2025 in **Criminal Appeal No. 94/2025 (**arising out of SLP (Crl. NO.11687 of 2019**)**, the prosecutrix alleged that while she was returning home from School, the accused caught hold of her hand, put a knife on her back and took her to a grocery shop nearby and had physical relations with her. The medical examination revealed no injuries on the body of the prosecutrix. The medical evidence

showed that the hymen was torn. However, the Apex Court disbelieved the version of the prosecutrix as there were several contradictions in her statements and testimony. In such circumstances, it was held that it would be unsafe to convict the accused on the sole testimony of the prosecutrix and hence, the accused was given the benefit of doubt.

18. Coming back to the case on hand, PW1 in her FIS, 164 statement as well as in her testimony has clearly deposed that the accused, her son, after undressing her had inserted his finger three to four times into her vagina. Merely because when the neighbours arrived at the scene, PW1 was not completely undressed or naked, does not mean that the sexual assault did not take place, especially when the specific testimony of PW1 regarding digital rape by the accused has not been discredited in any manner. PW1 withstood the cross examination. Her case is substantiated by the testimony of PW6 to PW8, whose testimony has also not been discredited in any way. It needs to be borne in mind that the accused is none

other than the son of PW1. There is no reason(s) as to why PW1 should falsely implicate her own son in a case of this nature. Here it would be apposite to refer to the dictum **in Mohammed v. State of Kerala, 1987 KHC 525** wherein it was held that in assessing the testimonial reliability of the prosecutrix, the courts must have a more practical approach resulting from various circumstances. Corroboration is not now considered as the *sine qua non* for conviction in a rape case. Refusal to act on the testimony of a victim of sexual assault in the absence of corroboration as a rule, is adding insult to injury. Courts will have to bear in mind the feminine psychology and behavioural probability leading to a tendency to conceal the outrage of masculine sexual aggression. They would be reluctant to admit that any incident which is likely to reflect on their chastity had ever occurred. They will be conscious of the danger of being locked down upon by the society including relatives, friends and neighbours and the far reaching consequences resulting therefrom. The evidence of such a victim

has to be considered on a par with the evidence of an injured witness, if not on a higher pedestal. Even in the absence of corroboration, the evidence of a victim of sexual assault is entitled to great weight for the further reason that the possibility of exculpating the real offender and falsely implicating an innocent person is very remote except in rare cases which could easily be identified by judicial wisdom. If the evidence of the victim does not suffer from any basic infirmity and the probabilities-factor does not render it unworthy of credence, then the same can be relied on.

18.1 In **Krishan Lal v. State of Haryana, AIR 1980 SC 1252** it has been held that there is no rule of practice that there must, in every case, be corroboration before a conviction can be allowed, to stand. It would be impossible; indeed, it would be dangerous to formulate the kind of evidence which should, or would, be regarded as corroboration. Its nature and extent must necessarily vary with circumstances of each case and also

according to the particular circumstances of the offence charged. The Apex Court also opined that human psychology and behavioural probability must be borne in mind when assessing the testimonial potency of the victim's version. What girl would foist a rape charge on a stranger unless a remarkable set of facts or clearest motives were made out? The inherent bashfulness, the innocent naiveté and the feminine tendency to conceal the outrage of masculine sexual aggression are factors which are relevant to improbabilise the hypothesis of false implication. And if rape has been committed, why, of all persons in the world, should the victim hunt up the petitioner and point at him the accusing finger? To forsake these vital considerations and go by obsolescent demands for substantial corroboration is to sacrifice commonsense in favour of an artificial concoction called 'Judicial' probability. Indeed, the court loses its credibility if it rebels against realism. The law court is not an unnatural world (**See also Bhoginbhai Harjibhai v. State of Gujarat, AIR 1983 SC 753**).

19. It was further submitted that the medical evidence conclusively rules out penetration. Exhibit CW1/D, the MLC shows no injury on the genitalia. The Labia majora and minora were within normal limits. There was no bleeding or tear. Further, PW1 had refused internal examination. Reference was made to the dictum in **Ishwar v. State 2012 SCC OnLine Del 267,** wherein it has been held that where medical examination reveals no injury or indication of penetration, conviction under Section 376 is unsustainable. The refusal of internal examination, despite alleging digital penetration, deprives the prosecution of essential medical corroboration, so the said fact must be weighed in favour of the accused. It was also argued relying on the dictum in **Premiya v. State of Rajasthan (2008) 10 SCC 81** that when ocular testimony is inconsistent with the medical evidence and the element of penetration is missing, conviction for rape cannot stand, and at best, it is only an offence under Section 354 IPC that is made out.

20. As noticed earlier, the testimony of PW1 has not been

discredited in any manner. PW1 in her FIS, in the 164 statement, and in her testimony clearly refers to the overt act of the accused, that is, that he inserted his finger into her vagina. Though, the learned counsel for the appellant/accused submitted that there are several contradictions in the testimony of PW1, no contradiction(s) has been proved as per the procedure contemplated under Section 145 of the Evidence Act. Therefore, the accused cannot be heard to argue that there are contradictions in her testimony.

21. It is true that PW1 had refused internal medical examination. However, the argument that there is inconsistency in the medical evidence and the ocular testimony is not correct. It is true that there is absence of medical evidence regarding the internal examination of PW1. That does not mean that the prosecution case is false. Even in the absence of medical evidence, if the testimony of the victim is credible and believable, the same can be relied on by the Court, unless it is shown that the case is highly impossible or improbable. In **State of Rajasthan v.**

Bhanwar Singh, 2004 KHC1931:(2004)13 SCC 147, it has been held that though ocular evidence has to be given importance over medical evidence, where the medical evidence totally improbabilises the ocular version, that can be taken to be a factor to effect credibility of the prosecution version. In **Vishnu alias Undrya vs. State of Maharashtra, 2006 (1) SCC 283**, a contention was raised that the age of a prosecutrix by conducting ossification test was scientifically proved, and that it deserved acceptance. The Apex court rejected the said submission and held that the expert medical evidence is not binding on the ocular evidence. The opinion of the Medical Officer is to assist the court as he is not a witness of fact and the evidence given by the Medical Officer is really of an advisory character and not binding on the witness of fact. Similar view has been expressed in **Arjun Singh v. State of Himachal Pradesh, (2009) 4 SCC 18.**

22. The materials on record, to which I have already referred to in detail, clearly proves that digital rape was committed by the

accused on PW1, his own mother. In the light of the testimony of PW1 the argument that it was impossible for the accused to have completely undressed PW1 and committed an act of penetrative sexual assault is liable to be rejected. None of the decisions cited are applicable to the facts of the present case.

23. It was further argued that non-seizure of the saree or under garments of PW1 fatally undermines the prosecution case. When the saree remained intact and no physical evidence of insertion exists, the charge under Section 376 IPC cannot be sustained. The Apex Court in **Jai Krishna Mandal v. State of Jharkhand (2010) 14 SCC 534** has held that non-seizure of the victim's saree and petticoat, coupled with the absence of medical proof, rendered the prosecution version "so improbable that it could not be believed". According to the learned counsel the same infirmity pervades the present case also. The non-production of vital articles removes the only tangible corroboration of the claim of disrobing and seriously affects the credibility of the charge

under Section 376 IPC, goes the argument.

24. There is no case for the prosecution that the accused had torn the saree. PW-1 only deposed that the accused had removed her saree (…..जबरदस्ती कपडे उतार दिए.....). The prosecution also has no case that the accused had ejaculated into the saree. Hence in such circumstances non seizure of the saree of PW1 or its non examination is of no material consequence. Further, PW1 never has a case that she was wearing an underwear/panty. Therefore, the argument that failure to seize the saree or undergarment has fatally affected the prosecution case is also liable to be rejected.

25. The argument that if at all there was any assault, it was only inappropriate touch by the accused over the clothes of PW1 cannot be accepted for a moment in the light of the testimony of PW1, which at the risk of repetition, has to be stated to have not been discredited in any way. The testimony of her neighbours, PW6 to PW8 also supports the version of PW1.

26. That being the position, I find no reasons to disbelieve

PW1 or discard her testimony. Hence, I find no infirmity in the impugned judgment calling for an interference by this Court.

27. In the result, the appeal *sans* merit is dismissed. Applications, if any pending, shall also stand closed.

CHANDRASEKHARAN SUDHA
(JUDGE)

JANUARY 23, 2026
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