



2026:AHC:224022

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 818 of 1987

Mangal Singh

.....Appellant(s)

Versus

State

.....Respondent(s)

Counsel for Appellant(s) : Dharm Singh Parmar, Kundan Singh,
Shriyansh Singh, Surendra Singh
Counsel for Respondent(s) : A.G.A.

AFR

Judgment reserved on 6.10.2026

Judgment delivered on 28.10.2026.

Court No. - 88

HON'BLE ABDUL SHAHID, J.

1. Heard Sri Shriyansh Singh, learned counsel for the appellant and Sri Vinay Kumar Pandey, learned AGA for the State.

2. The present criminal appeal has been preferred against the judgment and order dated 18.3.1987, passed by learned IInd Additional Sessions Judge, Banda in Session Trial No. 239 of 1986 (State Vs. Mangal Singh), convicting and sentencing the appellant under Section 376 IPC for seven years RI with a fine of Rs. 1000/.

3. Learned counsel for the appellant has submitted that the incident is of 28.5.1986 at 12:00 noon and the FIR had been lodged with a delay on 28.5.1986 at 18:15 pm. He further submitted that the victim is 30 years. She is a widow and mother of two children. The place of incident is only 12 km away from the police station. The victim does not suffer any injury as per her medical examination and there is no corroborating evidence. PW-2 is a chance witness and his evidence is not admissible. He further submitted that though there is no examination of child, who alone was with the victim, hence there is no supporting and corroborating evidence

in support of her allegation. PW-3, who is the Investigating Officer of the case. He has completed the investigation in a very haste manner. He had not conducted fair and proper investigation. The incident is of 28.5.1986, whereas he filed charge sheet dated 17.6.1986 within a short span of 17 days only. He further submitted that statement of DW-1, Kamal Singh, who verified the presence of the accused at the home, it was not considered by the learned trial court. The finding of conviction recorded by the learned trial court and thereafter sentence is illegal and perverse and the judgment and order is liable to be set aside and the appeal is entitled to be allowed.

4. Sri V.K. Pandey, learned AGA has submitted that the victim is a rustic lady, who has lodged the FIR immediately after the incident within six hours. The place of incident is approximately 12 Km away from the police station. She was mother of two children at the time of incident. Her younger daughter, who was about three years old at that time, she was in house and the victim has made her proper arrangement and thereafter, she went to the police station. She does not having proper means of conveyance. There is no delay in lodging the FIR. Her evidence is clinching evidence and, she comes within the definition of sterling evidence. She has completely supported the prosecution story and offence, which was committed with her.

5. It is not expected from a widow lady, who is mother of two children that she implicate any person falsely. The statement of the victim is duly corroborated to the statement of PW-2-Bhikhari, who is an eye witness of said incident. The matter was absolutely clear and the investigation has been duly performed by the I.O. He has filed timely charge sheet. The

plea of alibi took by the accused person does not have any significance. The examination of doctor would not become fatal to the case of prosecution. There is ocular evidence and ocular evidence would prevail over medical evidence.

6. Learned AGA has further submitted that learned trial court has considered the evidences in the facts and circumstances of the case and properly appreciated the entire case. Learned trial court has passed a reasonable and plausible judgment, which is liable to be upheld and the criminal appeal is liable to be dismissed.

7. The genesis of the case has been initiated on the basis of FIR which has been registered as case crime No. 114 of 1986, under Section 376 IPC at P.S. Tindwari, District Banda on the oral complaint to the concerned police station, which was written by Head Moharrir on the same day of incident. The victim is a widow, uneducated and rustic lady. She is not having any proper means of conveyance. She is mother of two children and widow. She has got registered the FIR on the very same day of incident i.e. 28.5.1986 at 18.15 pm. The FIR has been lodged against the accused by name. The Check FIR is Ext. ka-1. The oral information given by the victim to the concerned police station that my name isX widow. Today at 12.00 noon, I was returning from 'bari' to my house, my son was with me. As soon as I reached near 'nala' situated near to bank, Mangal Singh/appellant came from behind side of myself. He holded my neck and grounded to me. He has committed bad act with me. When I raised noise, then Bhikhari, who belong to my dera came at the spot. He exhorted the accused then accused fled away towards forest. My report shall be registered and legal proceedings be initiated against him.

8. The report was written and read over to the complainant. Thereafter, she put her thumb impression on it. It was also verified by the concerned Head Moharrir that oral information was given by the complainant which has been registered in toto word by word. A carbon copy had been provided to her.

9. The 'sari' which was worn by the victim at the time of incident that has been took in possession and memo thereof was prepared which is Ext. Ka-4. The check FIR has been verified by PW1/3.

10. Learned trial court has duly observed at page no. 4 of the judgment that "...rape was committed." and this has been exhibited as Ext. ka-6 and medical report has taken on record vide order dated 19.1.1987 by the concerned Sessions Judge.

11. It is held by the Hon'ble Supreme Court in **Gurdeep Vs. State of Madhya Pradesh; AIR 2011 SC 2088**, if delay is properly explained for registration of FIR, then FIR has to be considered as valid.

12. It is held by Hon'ble Supreme Court in **Dharmendra Kumar alias Dhamma Vs. State of Madhya Pradesh; (2024) 8 SCC 60**, that FIR is not a substantive piece of evidence and it can be used only to corroborate or contradict version of informant. It is also not necessary that there should always be a written complaint to register the FIR. Even an oral communication to the police disclosing the commission of a cognizance offence is sufficient to register the FIR.

13. It is held by Hon'ble Supreme Court in **Mukul Mahto Vs. State of Jharkhand; (2009) 3 SCC (Cri) 1146**, that in the cases of criminal trial, non-examination of doctor, who examined the deceased and injured

initially, is not fatal.

14. It is held by Hon'ble Supreme Court in **Mallapa Siddappa Alakanur and others Vs. State of Karnataka; 2009 (66) ACC 725**, that ocular evidence is trust worthy, it has to prevail over to the medical evidence. It is held by Hon'ble Supreme Court in **Leela Ram Vs. State of Haryana; 2000 SCC (Cri) 222** that in criminal cases, corroboration with mathematical niceties should not be expected.

15. The victim has deposed herself as PW-1 on 1.12.1986 before the learned trial court. She has stated that her husband had died around two and half years ago. He is having two children, one is boy of 4-5 years old and another is daughter of three years. The accused Mangal Singh, who is present in Court, he is resident of my village. The present incident is of same month of Baisakh. She is a natural witness and uneducated rustic lady. She had lodged her FIR as well as her statement before the court. She has stated that I was returning from bari, it was noon time, the accused Mangal Singh had met me on the way in the forest near nala. He had holded me from my back side. My basket which was on my head had fell down. He had separated my son from my lap. Thereafter, the accused has committed bad act with myself. He had committed rape forcefully without my consent with myself. I had raised noise, then witness Bhikhari came there. Then Mangal Singh fled away towards forest. He has committed said act after upping my saree. Thereafter, I went to the police station. The witness Bhikhari was also went with myself. I went to the police station Tindwari in the evening and got registered the report which was written down by deewanji on my oral communication. He had read over it to me. Thereafter, I put my thumb impression on it. She verified it

as Ext. Ka-1.

16. She further stated that my medical examination took place on the next day. The police constable took myself to the Hospital. The 'sari' which was I worn at the time of incident, that was taken into possession at the police station and it was sealed. The sealed bundle was opened and 'sari' was shown to her, the witness told that it is same sari which we had worn at the time of incident. It has been exhibited as Ext. ka-1.

17. The cross-examination has been taken place with the PW-1/victim. She has stated that she was alone at 'bari' on the date of incident. Bhikhari is not my father-in-law, but I am residing with him. He is in my relation as my father-in-law. I reside with him for the last two years. She has previously stated that she is widow of two children. There is a pacca rasta for going to bari by using the bridge. Said way opens into forest. I had not saw accused Mangal Singh prior to the incident. When he fell down to myself from my back side, then I saw him. I do not know that how many paces or lathi distance is between place of incident and bari. The place where bad act was committed with myself that place is on upper side in the jungle. Bari is situated on the bank of Yamuna river. When the accused has committed bad act with me, at that time, I could not saw any person nearby to myself. Only Bhikhari came. There are several ways to go to the village. When accused person had holded myself and thrown my basket, then I raised alarm. It may be possible that felling down of basket, would not be written in the report. I had told to the inspector that I had having my basket. If this statement has not been recorded by the inspector about basket, I could not give any explanation to it. I was having 'kharbuja' (muskmelon) in the said basket. My boy was in my 'kaniya'.

The name of son is Brindaban. I had told to the inspector that son was with me. The inspector visited the place of incident, but I had not visited with him. I was in Tindwari. I had registered the report on my own. It is not correct that I lodged the report on the advise of Bhikhari. At the time of registration of report, Bhikhari was with myself. I had reached to the police station in the evening. The incident was occurred in the noon. After incident, I went to my house, because my younger daughter was at home. I had made arrangement for her; thereafter, I took my son and went to the police station.

18. If felling down of basket had not been mentioned in the FIR, it is settled law that FIR is not an encyclopedia. It is simply basic prosecution case. It is not necessary that each and every detail must be mentioned in the FIR. The victim has duly explained the six hours in between the incident and registration of the FIR that her younger daughter was at home. It is natural that she has visited to home and made arrangement of her daughter and thereafter went to police station to register the FIR. The circumstances has to be considered that she is widow, uneducated and rustic lady. She does not having means of conveyance, hence explanation of delay in between timing of incident and registration of FIR is properly and reasonably explained, which is not fatal for the case of the prosecution.

19. She has further stated that she went on foot till Belaghat and thereafter she went to police station by bus. Bhikhari had went with myself from the place of incident to my house. I had not collected any panchayat at my house. I do not know hours and minutes. I had stayed for sometime at home. I prepares my food at home. I do not have any injury, from which

blood was oozed out. I had also not suffered any injury which is visible. The place where accused has committed bad act with myself, that place is not rocky (kankrili). It is plain land. There is a 'nala' also. The witness Bhikhari came at the time when the accused was committing bad act. I was screaming. My hand and legs were not moving. I was fear very much, hence, there was no movement in the hands and legs.

20. In such fear, the victim was alone and widow lady. The accused is a person of young age. She was not consenting party because she consistently raising alarm. She was not moved her legs and hand, it may be occurred due to fear. It should not be treated as her consent. If she was having consent, then certainly, she would not even to get register the report within six hours of the incident. The place of incident and the police station is about 12 km away. The reasons explained by her is absolutely reasonable. There is no iota of her consent has been corroborated due to the act and conduct of the victim. Due to her uneducated and rustic, she has told that she did not know hours and months.

21. She has further stated that her husband Ram Bilas was married twice. The witness Bhikhari came from the village. I do not have any farming. I used to hold 'bari' and rest I do labour. I also go to the accused for cutting on labour. The agricultural field of accused Mangal Singh is not near to my house. I used to earn my livelihood. I never take ration on credit. I never went alone for any work at the place of Mangal Singh. When women went there for cutting and cropping, then I also visited with them. I had visited twice or four times for cutting and grazing. There is no relationship with the family of Mangal Singh either good or bad. I know

Mangal Singh. I do not know whether Mangal is a good man or bad. It is belied to state that I do my work at the place of Mangal Singh and took credit. The inspector has recorded my statement on the same day when I had got registered my report. There is no faction (parti-bandi) in my village. I do not know any person of the name of Alha, who resides in my village. I do not told to the inspector this fact at Tindwari that I will stay at the house of Alha. If this is recorded in my statement, I could not give any reason. When I visited to Tindwari, then I visited after wearing same clothes. I had not worn any other clothes. When I visited Tindwari (police station), my medical examination was conducted, thereafter villagers had sent to another sari, then I had changed my sari. After my medical examination, I returned to the police station, then I had given my sari over there. My medical examination was conducted in the morning. I do not know how many time has passed after rise of sun. It is belied to state that there was quarrel took place in the village and there is faction in the village, hence I had falsely implicated the accused in the said case. It is belied to state that there is some money is outstanding towards Mangal Singh and his family, hence I had falsely implicated him.

22. The statement of prosecutrix is consistent and corroborated with the facts and circumstances of the case. Her conduct is natural that she produces her child, Brandawan to be examined as PW-2 on 1.12.1986, the learned trial court has held that one child Brandawan son of Ram Bishal was brought to court. He is too young. He could not tell even his name. He has not yet developed sense of understanding. Age about 4-5 years. By this act, it proves her innocence, rustic nature and uneducated that she want to brought truth before the learned trial court. Even she failed to understand that her child, who was with him at the time of incident, he

was only 4-5 years old and still there was no development of sense of understanding to him.

23. It is held by Hon'ble Supreme Court in **Mohd. Imran Khan Vs. State Government (NCT of Delhi); (2011) 10 SCC 192** that it is a trite law that a woman, who is the victim of sexual assault, is not an accomplice to the crime, but is a victim of another person's lust. The prosecutrix stands at a higher pedestal than an injured witness as she suffers from emotional injury. It is held by Hon'ble Supreme Court in **State of Maharashtra Vs. Chandra Prakash Kewal Chand Jain; AIR 1990 SC 658**, further reiterated in **State of U.P. Vs. Pappu; AIR 2005 SC 1248** and **Vijay Vs. State of Madhya Pradesh; 2010 (8) SCC 191** that the court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestation. Rape is not merely a physical assault rather it often distracts the whole personality of the victim. The rapist degrades the very soul of the helpless female and, therefore, the testimony of the prosecutrix must be appreciated in the background of the entire case and in such cases, non-examination of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witness had not seen the commission of the offence.

24. It is held by the Hon'ble Supreme Court in **State of Punjab Vs. Gurmit Singh; AIR 1996 SC 1393** that the court must, while evaluating evidence, remain alive to the fact that in a case of rape, no self respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the omission of rape on her. It is held by the Supreme Court in **Wahid Khan Vs. State of M.P.; 2010 (2) SCC 9** that it is also a matter of common law that in

Indian society any girl or woman would not make such allegation against a person as she is fully aware of the repercussions, flowing therefrom. If she is found to be false, she would be looked at by the society with contempt throughout her life. Whereas in the present case, the victim is widow and mother of two children. It is not expected that she would breach her modesty falsely.

25. It is held by Hon'ble Supreme Court in **Javed Masood Vs. State of Rajasthan; (2010) 3 SCC 538**, that in case the prosecution witness makes a statement and is not declared hostile, he is supposed to speak the truth and his statement is to be believed.

26. PW-2, Bhikhari has recorded his statement before the learned trial court on 1.12.1986. He had stated in his examination-in-chief that the incident is of this baisaskh around 5-6 months ago. It was noon time. I was going towards Yamuna river. When yamuna river remain 150-200 paces, then I heard voice of screaming in nala, then I saw that the victim was screaming. I run and gone over there, then saw that Mangal Singh was committing rape with the victim. I had scolded him then Mangal Singh has fled away towards forest. I took the victim to the police station Tindwari and the victim has registered the report. Her statement has been corroborated by this independent witness, who is eye witness and supports the prosecution story. The statement of this witness as well as story of prosecution is duly corroborated with the deposition made by the victim herself. He has further stated in his cross-examination that it is not true that at the time of incident, I was in bari. I was going to yamuna river from the village at the time of incident. I had went about 12.00 noon from my house. I had reached approximately in fifteen minutes to the place of

incident. I had saw the accused person for committing bad act with the victim. When I saw the accused person committing bad act then I had exhorted him. I had saw from a height around 15-20 paces from the place of incident, then I had exhorted, that was the way of my going, but I heard voice of screaming. I heard voice of screaming thrice. I had heard the voice about 8-10 paces away. As soon as I reached there, there was no other person present over there. I had not found anything of the victim at that place. The place of incident is about 250-300 paces away from bari. The soil of the place of incident is of 'kankrili' (gravelly). If any body fell down over there suddenly, then no injury will cause which is visible. I had not saw any blood stained at the place of incident.

27. This witness has also corroborated the place of incident as the victim has told that she does not have any injury. It is verified by this independent witness that land in the place of incident was uneven, but if any body fell down over there, he would not get such kind of injury which could be visible. This has to be considered in the facts and circumstances of the case, whereas the prosecutrix is rustic lady and nature of the body of that society of rustic lady and the lady, who is living sophisticated and luxury life, both are different and could not be equity with each other.

28. This witness has further stated that after fled away of the accused, I took the victim to the police station. There was no body with me. The small child of the victim was with her. I had reached to the police station in two hours and got the report registered at 5.00 pm. I had not registered the report myself, it was lodged by the victim. There has been no consultation between myself and the victim on the way. Due to happening of night, the victim was not immediately sent for medical examination,

but she has been sent for medical examination on the next day. We had stayed at Tindwari. We had not stayed as any guest of any person. There was platform (chabutara) in front of house of any person, we had laid there. Neither we had asked about platform nor he enquired about ourselves. The inspector when asked sari of the victim, that was delivered to him after medical examination of the victim. When the statement of the victim was recorded, then I had stayed outside. The character of victim is good. There is no faction in the village and I do not know whether any quarrel took place in between any person. I do not took anything on credit from Mangal Singh. I do the work of labour. I do not have my own farming. I do work at the place of Rameshwar Singh. One nephew of Rameshwar Singh was Block Pramukh. I do not know whether between family members of Rameshwar Singh and Mangal Singh have any grudge with each other or not.

29. This witness has further stated that after return from the police station, I had told members of family of Rameshwar Singh about said incident. It is belied to state that I had falsely implicated the accused person on the advise of Rameshwar Singh. He is an independent witness and eye witness of the incident. His statement is corroborated with the statement of the victim. There is consistency in the prosecution story and corroboration with the statement of prosecutrix PW-1 and eye witness PW-2, Bhikhari.

30. Learned counsel for the appellant has draw some minor contradiction about presence of PW-2, Bhikhari at the place of incident or at the place of police station or FIR was registered on the aid and advise of Rameshwar Singh, whereas none of it goes to the root of the matter. It is

held by the Hon'ble Supreme Court in **Yogesh Singh Vs. Mahabeer Singh; (2017) 11 SCC 195** and in **Prabhu Dayal Vs. State of Rajasthan; (2018) 8 SCC 127**, that minor discrepancies should not be given undue importance that do not go to the root of the matter.

31. It is also held by the Supreme Court in **Bhag Singh Vs. State of Punjab; 1997 SCC (Crl) 1163** that the testimony of a witness should be viewed from broad angles. It should not be weighed in golden scales, but with cogent standards. It is held by the Supreme Court in **Nam Deo Vs. State of Maharashtra; 2007 (2) ACR 1522 (SC)** that close relatives can not be characterized as interested witness. He is natural witness and can be relied on. As per section 134 of Indian Evidence Act, the testimony of solitary witness can be made basis for conviction without corroboration.

32. It is also held by the Hon'ble Supreme Court in **Gulam Sarbar Vs. State of Bihar; (2014) 3 SCC 401**, that as per Section 134 of Indian Evidence Act, there is no requirement under law of evidence that any particular number of witnesses is to be examined to prove/disprove a fact. It is not the number of witnesses, but quality of their evidence, which is important. Test is whether, the evidence has a ring of truth, is cogent, credible and trustworthy or otherwise. Conviction can even be based on testimony of a sole eye witness, if same inspires confidence of criminal trial.

33. PW-3, Ram Sanehi Yadav. He is the Investigating Officer of the case. He has conducted the investigation of the case and submitted charge sheet. He has verified prosecution papers, prepared site plan and submitted charge sheet. In the cross-examination, he had stated that when the complainant reached to the police station for registration of the report,

he was present at the police station. I had not shown the place of 'bari' in the site plan; that place is on the bank of Yamuna. Bari is situated after ends of water of Yamuna. There are several 'baries'. In the charge sheet, I had shown to the complainant crossing Yamuna river from 'bari' of complainant. The 'surri' is a small boat, in which seven persons can sit. The place of incident is about 150 paces away from the river. 10-15 paces of either side is not visible. The place of incident is not concrete. I had visited to the place of incident for inspection on next day. As per my assumption, if some body would exhort at the place of incident, it could be heard upto 50 yards. The police constable, complainant and witness Bhikhari were also with me. I had also shown way of complainant as well as way of the accused person in the site plan. When I had prepared the site plan, I had also enquired with the complainant. Whether any other way is situated from the place of incident towards village or not, I do not know. I do not know whether there are certain groups in village Jauharpur. I know Mulayam Singh of village Jauharpur. He is Block Pramukh. The distance of place A to B is about two paces and A to C is about 15-20 paces. Whatever has been orally informed by the complainant, that has been reduced in writing by deewanji. I had recorded the statement of Bhikhari on the same day at the police station. I do not know whether on the day when the complainant has got registered her report, whether she stayed at night in the police station or not. It is belied to state that I had not inspected the place of incident and completed the entire investigation by sitting at the police station. It is belied to state that on the advise of Mulayam Singh, I had filed false charge sheet. The distance between place of incident and the police station is 13 km.

34. Learned counsel for the appellant has submitted that there are several

contradiction in the statement of the Investigating Officer. He has not fairly investigated the matter in question. He has completed the investigation in a very haste and even few days of the incident. He has filed charge sheet on 17.6.1986 whereas the date of incident is 28.5.1986.

35. The statement of appellant/accused has been recorded under Section 313 Cr.P.C. He has denied all the evidences recorded by the trial court and he has submitted that the FIR has been registered by the complainant due to enmity and the case has been continued and registered due to enmity. However, the accused failed to show specific enmity with the victim. In his statement under Section 313 Cr.P.C., he did not prove any other trustworthy convincing and cogent evidence to prove his false implication in the said case due to enmity.

36. Kamal Singh, has deposed as DW-1. He has stated that there is enmity between the family members of Mangal Singh and Mulayam Singh. He had stated that on the date of incident, Mangal Singh was in his home. He did not tell specific enmity with the victim alongwith Mangal Singh. He has stated that he went to the house of accused about 4.00 pm and he had stayed there for about 5 or 7-8 minutes, whereas the incident is of 12.00 noon, hence timing of his going to the house of accused Mangal Singh will not give any benefit to the accused.

37. It is held by the Hon'ble Supreme Court in **State of Karnataka Vs. K. Yarappa Reddy; AIR 2000 SC 185** that it is well nigh settled that even if the investigation is illegal or even suspicious, the rest of the evidence must be scrutinized independently of the impact of it. Otherwise, the criminal trial will plummet to the level of the investigating officers ruling the roost. The court must have predominance and per-eminence in

criminal trials over the action taken by Investigating Officers. The criminal justice should not be made a casualty for the wrongs committed by the investigating officers in the case. In other words, if the court is convinced that the testimony of a witness to the occurrence is true, the court is free to act on it albeit the investigating officers suspicious role in the case.

38. It is held by the Supreme Court in **Jamuna Chaudhary Vs. State of Bihar; AIR 1974 SC 1822**, further reiterated in **State of Bihar Vs. P.P. Sharma; AIR 1991 SC 1260** and in **Babubhai Vs. State of Gujarat; (2010) 12 SCC 254**, that the Investigating Officer is not merely to holster up a prosecution case with such evidence as may enable the court to record a conviction, but to bring out the real unvarnished truth.

39. It is further held by the Supreme Court in **Iqbal Musa Patel Vs. State of Gujarat; 2011 (2) ACR 1897**, that it is true that the prosecution is required to establish its case beyond a reasonable doubt, but that does not mean that the degree of proof must be beyond a shadow of doubt. It is held by the Supreme Court in **Yogesh Singh Vs. Mahabeer Singh and others; AIR 2016 SC 5160** that it is a cardinal principle of criminal jurisprudence that the guilt of the accused must be proved all reasonable doubts. However, the burden on the prosecution is only to establish its case beyond all reasonable doubts and not all doubts.

40. In view of facts and circumstances of the case, evidence of prosecution and more particularly evidence of prosecutrix is found trustworthy. The FIR has been lodged promptly within the reach of herself. She is a villager and widow, uneducated and rustic lady. The statement and deposition recorded by the victim are of clinching and

trustworthy and sterling nature. She has stated the entire incident as had been happened with her. It is not possible for unworthy of her nature to falsely implicate any person. She is widow and she is having understanding of about her character, if that would be spoiled, it is very difficult for her to survive with her two minor children. The incident which was occurred with her has been verified by her evidence as well as corroborated by eye witness PW-2, Bhikhari. There is timely investigation took place and charge sheet has been filed against sole accused/appellant Mangal Singh.

41. The genuineness of medical report was admitted by the counsel for the accused/appellant which is Ext. Ka-6. There is neither any material contradiction nor inconsistency in the statement of prosecutrix/victim as well as eye witness in view of facts and circumstances of the case. The defence of enmity raised by the accused/appellant, could not be proved by him. There is no plausible reason for non acceptance of deposition of prosecutrix and the evidence produced by the prosecution. There has been no basis found in the entire genesis of prosecution story about any false implication of the accused/appellant in the said case. The findings and observations recorded by the learned trial court is found convincing and legal. There is no infirmity or any perversity in the finding of conviction and sentence recorded by the learned trial court.

42. For all these reason, the judgment and order dated 18.3.1987, passed by IInd Additional Sessions Judge, Banda in Session Trial No. 239 of 1986 (State Vs. Mangal Singh), convicting and sentencing the appellant under Section 376 IPC is hereby confirmed and upheld. The criminal appeal is liable to be dismissed and it is **dismissed**, accordingly. The

appellant is on bail. His bail is cancelled and bail bonds and sureties stands discharged.

43. The appellant-Mangal Singh is directed to surrender before the learned trial court concerned forthwith to serve out his remaining sentence as awarded by the learned trial court. The period of sentence already undergone, if any, by the appellant in jail, shall be adjusted against his total sentence.

44. A copy of this judgment alongwith trial court record, shall be transmitted immediately to the learned District and Sessions Judge, Banda for necessary compliance.

45. The criminal appeal stands **dismissed**.

(Abdul Shahid,J.)

October 28, 2026

sfa/