

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.115 OF 2017

THE STATE OF UTTAR PRADESH

APPELLANT(S)

VERSUS

MAHENDRA & ANR.

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.1256/2016

CRIMINAL APPEAL NO.209/2017

O R D E R

We have heard the learned counsel for the appellants.

Despite notice having been served, none appears for the respondents.

We have perused the impugned judgment.

The respondents were convicted by the trial Court for the offences punishable under Section 366 and 376(g) of the Indian Penal Code, 1860 (for short, 'IPC'). The High Court not only found material discrepancies in the evidence adduced by the prosecutrix under Section 164 of the Code of Criminal Procedure, 1973 vis-à-vis her examination before the trial Court, but also found that the statement of the Investigating Officer is totally contrary to the prosecutrix's statement. This contradiction also extends to the recovery made from the prosecutrix and the accused. This aspect has been considered at length by the High Court, apart from giving

cogent reasoning for disbelieving the evidence of the prosecutrix.

No doubt, it is true that the evidence of a prosecutrix has to be placed at a very high pedestal, much higher than that of an injured witness, but when there are material contradictions making the Court disbelieve the evidence of a prosecutrix, one cannot render a conviction solely relying upon the same.

In such view of the matter, we find no reason to interfere with the impugned order.

The appeals are dismissed accordingly.

Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[RAJESH BINDAL]

NEW DELHI;
16th JANUARY, 2025

ITEM NO.106

COURT NO.9

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 115/2017

THE STATE OF UTTAR PRADESH

Appellant(s)

VERSUS

MAHENDRA & ANR.

Respondent(s)

WITH

Crl.A. No. 1256/2016 (II)

Crl.A. No. 209/2017 (II)

Date : 16-01-2025 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Arup Banerjee, AOR
Mr. D.D. Sharma, Adv.
Mr. Priyanshu Raj, Adv.
Mr. Amitabh Poddar., Adv.
Mr. Ghanshyam Singh, Adv.
Mr. Sanjeev Sharma, Adv.
Mr. Amitabh Poddar, Adv.
Mr. Rajiv Agnihotri, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.
Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
ASSISTANT REGISTRAR

(Signed order is placed on the file)