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IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State

Versus

Shoaib Khan @ Nasir @ Guru Sidhi
Aged 50 years,
S/o Late Sh. Hazid Khan
R/o H.No. 306, Suiwalan, Triya Bairam Khan,
Chandni Mahal,

And

X-14 C, DDA Flats,
Ranjit Nagar, New Delhi.

.... Accused

Session Case No. : 02/17
FIR No. : 358/2016
Police Station : Ranjit Nagar
U/s : 328/376/384/
506. IPC

Case Committed on : 04.01.2017
Reserved for order on : 15.07.2020
Order pronounced on : 24.07.2020
Final Decision : ACQUITTAL



SC No. 02 of 2017

State Vs. Shoaib Khan@ Nazir

J U D G M E N T :-

1. The brief facts of the case are that on 12.08.2016 a complaint was given by Ms. 'S' to the effect that she is residing in house no. 773 near Village Naraina. On Channel no. 100 of Sumit Cable TV, she came across an advertisement which was being run on daily basis. It advertised that all issues relating to household, impediment in job, marriage could be resolved by calling on a number 9582918524. The victim was out of job, she made a call on the said number. On 29.09.2015 she went to Shadi Pur Metro Station from there one boy took her to an office at first floor where she was asked by the said Guru to drink water. She consumed it, felt dizzy and thereafter became unconscious. She could feel that accused is sexually exploiting and raping her, she tried to get up but was unable, neither she could raise her voice, after she regained her conscious, the Guru told her that he had made MMS and has also taken her obscene photos. He further directed that whenever he would call her she should come otherwise



he would make the photos and video viral. The Guru also asked for money for providing solution to her problems by performing pooja and threatened her that in case she fails to give money then, he would spoil all her work. The said Guru then took Rs. 10,000/-. On 20.10.2015 and 27.10.2015 the accused threatened her, raped her and took money to the tune of Rs. 15,000/- and Rs. 16,000/- respectively. It is further stated that on 25.06.2016 the said Guru asked her to come to Jama Masjid along with Rs. 10,000/-. The victim went to Jama Masjid but the said Guru demanded Rs. 21,000/- and when the victim refused to cough up the said amount, Guru became angry and started abusing her. The victim approached police official who asked her to make a proper complaint. On her complaint the FIR u/s 376/328/384/506 IPC was registered. On completion of investigation chargesheet was filed in the court and after due compliance the same was committed.

2. Vide order dated 12.04.2017 charge u/s 328/384/376/2(n) and 506 IPC was framed. In order to support its case



prosecution examined 15 witnesses.

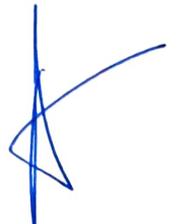
3. PW-1 is the complainant who had deposed about the fact of the case and has supported the case of the prosecution, she was duly cross examined.
4. PW-2 SI Amit had joined the investigation of the case on 12.08.2016 and along with IO, had gone to the shop/house of accused when they met the landlord of the premises, who produced a photocopy of ID proof of Shoib Khan and after seeing the same, the prosecutrix identified the person as the one who had raped her.
5. PW-3 Dr. Vishal Garg examined the accused and referred the patient to radiologist for Colour Doppler Test. The MLC was exhibited as Ex. PW3/A.
6. PW-4 Chetan Arora stated that he is running an Advertisement Company in the name and style of M/s. Soni Advertisement and Complete Solutions. In April, 2015 accused Nazir had come to his office and booked an advertisement in the name of "Sidh Guru" to run the advertisement on T.V. Channel and DG Box office. He



correctly identified the accused as the same person who had booked an advertisement. The advertisement was relayed on the channel from time to time, as per the details mentioned in the report of D.G. Cable which was marked as mark. PW4/A. The details of receipt of payment and advertisement details was Ex. PW4/A. The details of slide being run on the T.V. was was Ex.PW4/B.

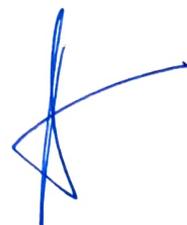
7. PW5 Retired SI Inder Pal Singh was the Duty Officer of the case. The computer copy of the FIR is Ex. PW5/A. The endorsement on Asal Tehrir was Ex. PW5/B. Certificate u/s 65 B is Ex. PW5/C. DD entry in this regard was made vide DD no. 22A which was Ex. PW5/D.

8. PW-6 Dr. Amiyabala Sahu examined the accused on 21.11.2016 and referred him to Urology Department. The MLC was exhibited as Ex. PW6/A. On 23.11.2016 accused was again examined by PW-6, and was again referred to Urology Department. The MLC was exhibited as Ex. PW6/B. PW-7 Ct. Jaipal Singh joined the investigation on 02.09.2016 and was with the IO when the accused was



arrested.

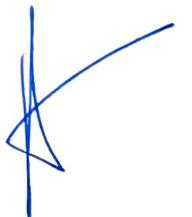
9. PW-8 Ct. Ramesh Kumar joined the investigation on 02.09.16, the accused was arrested vide arrest and personal search memo Ex. PW1/F and Ex. PW8/A. Disclosure statement Ex. PW8/B was recorded in his presence. PW-8 Ct. Amit (it should have been PW9) who collected the exhibits from MHCM and deposited the same in FSL, Rohini.
10. PW-9 Sh. Vikas Kumar is Sr. Scientific Assistance Examiner of Electronic evidence, FSL, examined two Samsung Mobile phone and prepared his report. The certificate u/s 65 B was exhibited Ex. PW9/A. The analysis report was exhibited as Ex. PW9/B.
11. PW-10 is Dr. Ravinder Singh who identified the signatures of Poonam Vohra, radiologist who had conducted the Colour Doppler text. The report was exhibited as Ex. PW10/A.
12. PW-11 is the IO of the case and she has deposed about the investigation carried out by her. PW-12 ASI Mahesh Chand



was posted as MHCM at PS Ranjit Nagar, IO of the case had deposited the articles which were entered by him in register vide entry no. 1790. Photocopy of the same was exhibited as Ex. PW12/A. On 25.10.2016 the case property was sent to FSL vide Road Certificate (RC) No. 85/21/16. The photocopy of the RC is Ex. PW12/B.

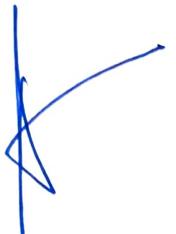
13. PW-13 is SI Pooja who had given notice to Director ZEE TV in respect of the advertisement given by the accused. She was asked to approach Digi Cable Network, Subhash Nagar. She gave notice Ex. PW13/D. Authorized signatory reported to contact Soni Advertisement. She gave notice to Director of M/s.Soni Network Sh. Chetan Arora and recorded his statement Ex. PW13/C who stated that in the month of November, 2015 he had collected the payment from Sohaib Khan from his office situated at 1st floor, shop no. 3, West Patel Nagar. PW-14 is SI Kiran Sethi who prepared the challan and filed the same in court.

14. PW-15 is Dr. Deepanshu Gupta who had examined the accused and referred him for Colour Doppler Study. The



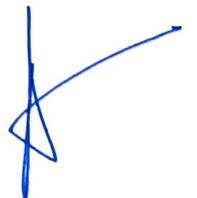
MLC was already exhibited as Ex. PW6/B. The accused admitted the MLC of the prosecutrix, Statement of prosecutrix u/s 164 Cr.P.C. and statement of WCt. Chhoti Bai. Accordingly these witnesses were dropped from the list of witnesses. PE was closed on 17.01.2020.

15. Statement of accused was recorded on 04.02.2020 and he did not choose to examine any witnesses in his defence. The case was fixed for final arguments. An application u/s 311 Cr.P.C. was filed by the prosecution seeking permission to recall PW-10 and PW-15, as there was no final opinion with respect to ability of the accused to perform sexual Act. The said application was dismissed on 25.06.2020.
16. Sh. Subhash Chouhan, Ld. Addl. PP for the State has argued that on the basis of the statement of the prosecutrix the present FIR u/s 328/376(2)(n)/384/506 IPC was registered. Prosecution had cited 16 witnesses out of which 15 were examined and 3 were admitted. It is submitted by the Addl. PP for the State that essentially 3 witnesses are relevant in the present case i.e. PW1, PW4 and PW11. It is



submitted that from the statement of the prosecutrix it is clearly established that she was raped thrice i.e. on 29.09.2015, 20.10.2015 and 27.10.2015. It is submitted that the accused on the pretext of making her video viral raped the prosecutrix on these two occasions i.e. 20.10.2015 and 27.10.2015. It is argued that the sole testimony of the prosecutrix is sufficient to convict the accused.

17. On the other hand, Sh. Javed Ali Ld. Counsel for the accused has argued that prosecution has failed to prove its case beyond reasonable doubt. He has argued that there is a delay of about 10 months in registration of the FIR, delay in recording of Statement u/s 164 Cr.P.C. He also argued that there is discrepancy in the statement of the prosecutrix as there are improvements which are material. It is also argued that PW4 who was cited as witness in the supplementary chargesheet had brought certain documents which were not supported by certificate u/s 65 B of the Indian Evidence Act. It is argued that the prosecutrix was



not medically examined and the CDR of either her mobile phone or the mobile phone of the accused was never filed. In support of his arguments he has relied upon the following judgments, ***Narender Kumar Vs. State AIR 2012 SC 2281, S.L. Goswami Vs. State of M.P. AIR 1972 SC 716, Haseeb Vs. State 2019 IX AD (Delhi) 562, State of Rajasthan Vs. Babu Meena AIR 2013 SC 2207, Rai Sandeep @ Deepu Vs. State (2012) 8SCC 21, Ramdas & Ors. Vs. State of Maharashtra(2007) 2 SCC 170, Krishna Kumar Malik Vs. State of Haryana (2011) 7SCC 130 , Utpal Das & Ors. Vs. State of West Bengal AIR (2010) SC 1894, Anvar P.V. Vs. P.K. Basheer AIR (2015) SC 180 and Kamal Kumar Sharma Vs. The State of M.P. Criminal Appeal No. 3623/0219 decided on 05.12.2019 MANU/MP/2039/2019.***

18. In rebuttal Ld. Addl. PP for the State has argued that number of suggestions have been given by the Ld. Defence counsel which would show that presence of prosecutrix has been admitted at the spot/place of incident. It is also

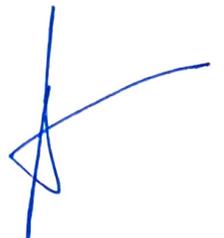


submitted that delay has been sufficiently explained by the prosecutrix who is a 10th pass and come from a lower stata of the society.

19. In sir rebuttal Ld. Counsel for the accused submits that the suggestion does not further the case of the prosecution and they have to stand on their own leg. In support of his argument Ld. Counsel for the accused has relied upon the judgment of ***Harpal Vs. State of Haryana 2010 (2) RCR (Criminal) 504.***

20. I have heard Ld. Counsel for the accused/applicant and Ld. Addl. PP for the State and have perused the record.

21. It was argued by the Ld. Defence counsel that there is inordinate delay in registration of the FIR, the Ld. Addl. PP for the State has argued that merely because there is a delay, it would not be a ground of acquittal, if delay is properly explained. It is submitted that in the present case, considering the fact that prosecutrix is 10th class and hails from a lower stata of the society, therefore, the delay has been sufficiently explained and cannot be a ground for



acquittal.

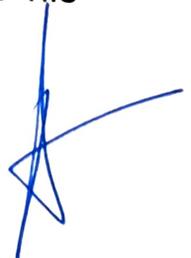
22. The question which would arise for adjudication is that whether in the facts of the present case delay, if any, is fatal to the case of the prosecution, before adverting to the facts of the case, the legal position is to be noted. I

23. In **Ramdas & Ors. (Supra)**, the Hon'ble Supreme Court has held as under:-

“what is the effect of delay in lodging the report with the police is a matter of appreciation of evidence, and the court must consider the delay in the background of the facts and circumstances of each case”.

24. Thus, as per the law laid down, no straight jacket formula can be laid down and each case would turn on its own facts.

25. In the present case, neither in the first information report nor in the statement u/s 164 Cr.P.C. there is an explanation with respect to the inordinate delay in making the complaint. In the deposition made before this court, the prosecutrix has stated that on 27.10.2015 she was lastly raped, accused used to repeatedly call her but she never used to take his



call. She even stopped going to office and after 2-3 months she started going to job. Once she had started going to job, what prevented her from making a police complaint is not clear. The video which was apparently in possession of the accused was not made viral by uploading on any social media platform, as was being threatened by the accused. The next conversation was in May, 2016 almost after 7 months. These facts could have easily been corroborated by CDR of the mobile number of the prosecutrix or the accused, but IO failed to bring the copy of the CDR on record as perhaps they were telling a different story.

26. In the present case, why would the victim again visit the accused after 7 months and too without any real threat. The victim has categorically deposed that in May, 2016, the month of Ramzan, accused called her and told her that he would perform pooja for her house. The relevant portion of her testimony is reproduced as under:-

“ In the year 2016, in the month of Ramzan i.e. in the month of May, again accused called me and told me that since it is the month of



Ramzan, it is pious month and in this month he will do pooja for my house”.

26. It could be argued that due to fear of being stigmatized she had not disclosed these facts, perhaps the answer would be yes, but at least these facts should have been stated by her in the complaint. In the deposition there are no allegations that accused had threatened her, then why did she at all go.
27. No doubt victim comes from a lower strata of the society, where she may not be aware of her legal rights or would have preferred to suffer in silence, so that her family life and reputation is not affected. However, PW-1 has categorically deposed in her examination in chief that on 02.08.2016, she had gone to Shadipur Metro Station and enquired about the concerned Police Station and came to know that Ranjit Nagar is the concerned Police Station. She has further deposed that she was having telephonic recording of her and the accused. A Sub-Inspector from P.S.Ranjit Nagar came along with her and went to Jama Masjid but accused did not come. The relevant portion of the testimony is



reproduced as under:-

“ I went to Shadipur Metro Station on 02.08.2016 and inquired about the concerned P.S. I was informed that PS Ranjit Nagar is the concerned P.S. On 02.08.2016 I went to PS Ranjit Nagar at about 4:00 pm. I was having recording of telephonic conversation between me and accused, which I showed to the Sub-Inspector present there. After listening the recording, that SI came with us. We called accused and asked him if he want money then he should come to Jama Masjid to collect money. Again we made many calls to accused, he promised me to come to Jama Masjid but he did not reach there. We came back to our house at about 7-8 pm.”

28. So, from this deposition it is clear that not only the victim was aware of her legal rights but had also approached the police. It is surprising that on 02.08.2016, no written complaint was given by her and it is only 12.08.2016, the written complaint was given which culminated into the present FIR. So even for the sake of arguments, if the

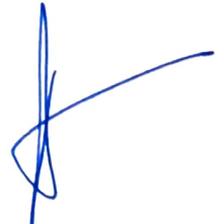


delay from 27.10.2015 till August 2016 is condoned. The prosecution is unable to explain as to why no written complaint was made on 02.08.2016. Therefore, in my opinion in the facts and circumstances of the case, delay is fatal to the case of the prosecution.

29. It was next contended by the Ld. Addl. PP for the State that statement of the prosecutrix is sufficient to convict the accused. No doubt as a legal proposition the said submission has merit. The accused can be convicted on the sole testimony of the prosecutrix, provided her testimony inspires confidence and is of impeachable quality.

30. The Hon'ble Supreme Court in rights in **Rai Sandeep (Supra)** has laid down the essentials of sterling witness which are as under:-

In our considered opinion, the "sterling witness" should be of a very high quality and caliber whose version should, therefore, be unassailable. The court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a



witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the person involved, as well as the sequence of it. Such a version should have co-relation with each other and every one of other supporting material such as the recovery is made, the weapon used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently matched with the version

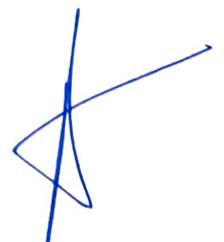


of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other such similar tests to be applied, can it be held that such a witness can be called as a “sterling witness” whose version can be accepted by the court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the court trying the offence to rely on the core version to sieve the other supporting material for holding the offender guilty of the charge alleged.

31. Therefore, in rape cases, if the testimony of the prosecutrix



is of sterling quality then conviction can be based on her sole testimony. In this background the testimony of PW1 has to be tested. The criminal law was set into motion on the basis of the written complaint made by the prosecutrix on 12.08.2016, wherein she alleged that accused had advertised about resolving of the issues relating to household, love affairs, jobs and marriage. Seeing the mobile number, the proxecutrix contacted and since she was out of job she went to the designated place i.e.Shadi Pur metro station from there she went to the office along with a boy apparently sent by the accused. On 29.09.2015 she was in the office of accused who made her drink water after which she felt unconscious and realized that accused is raping her. She tried to get up but could not. When she regained conscious, the accused threatened her that he had made her MMS and taken obscene photographs and whenever he calls her she should come otherwise he would upload the photographs and videos on facebook. It is further stated in the complaint that he asked for money for

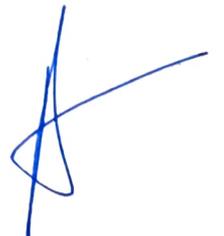


resolving her problem upon receiving the same he would do pooja and in case she does not make the payment he would destroyed all her work. It is further stated that accused on that day had taken Rs. 10,000/-. The prosecutrix alleges that on 20.10.2015 and on 27.10.2015 accused not only committed rape but had also taken money. Thereafter on 25.06.2016 the accused asked her to come to Jama Masjid where accused did not accept the money brought by her and asked her to leave after threatening her. Prosecutrix approached a police man who was standing there who advised her to make a complaint and under these circumstances the present complaint was made. It will not be out of place to mention that the prosecutrix has refused to undergo medical examination. Almost after 10 days, statement of prosecutrix u/s 164 Cr.P.C. was recorded. In the said statement the prosecutrix only talks about the incident as happened on 29.09.2015 but does not talk about rape having been committed upon her on 20.10.2015 and 27.10.2015. In the statement u/s 164 Cr.P.C. she only talks



about that on those two dates she had given money to the accused. In her examination in chief she was given a detailed account of the incidence as happened on 29.09.2015. with respect to the incident dated 20.10.15, she stated that when she had gone to meet the accused, he threw some water whereupon she became conscious and accused raped her. On 27.10.2015 she also alleges that accused started putting knife on her neck and when she tried to save herself, accused pushed her as a result of which she had received injuries on her head.

32. The prosecutrix was specifically confronted with her statement u/s 164 Cr.P.C. wherein the factum of being raped on 20.10.2015 and 27.10.2015 was not recorded. However, no explanation was given by her as to why these facts were not mentioned. On the contrary she stated that she had stated these facts. The prosecutrix is aged about 40 years and is of mature age. She claims to have been raped by the accused for 3 times in a span of 1 month but not even on a single date she had made a police complaint



or at any time contemporaneous to those dates, makes her testimony unbelievable.

33. The fact that on 27.10.2015, knife was used by the accused to threaten her was never stated by her, in any of her earlier statement. The prosecutrix could not have omitted to state such an important and vital fact. The Hon'ble Delhi High Court in **State Vs. Nitin Kumar 2017 (3) JCC 1481**, disbelieved the statement of the prosecutrix and one of the ground was that she failed to state in her previous statement that knife was used by the accused before abducting her. The relevant portion is reproduced as under:-

“Even otherwise the testimony of the prosecutrix is questionable or unbelievable as the place where the prosecutrix was allegedly abducted is a market place and a busy thoroughfare. The prosecutrix did not raise any alarm until she was confined in the room. It was only in her cross examination before the Trial Court that she deposed that Nitin/respondent had a knife and pointed it to



keep the prosecutrix silent. This fact was neither recorded in her statements under Section 161 Cr.P.C or Section 164 Cr.P.C. or before the Juvenile Board and the only reason for such omission was that she was never asked. Hence, it is unlikely that there was any weapon as no witness can forget or omit to state such a vital fact in her statement, not once but three times. It is settled law that when the testimony of the prosecution is improbable, supporting evidence is called for and there was none in the present case”.

34. In view of this Judgment the testimony of the prosecutrix is liable to be discarded in toto.

35. The FSL report which was filed by the prosecution does not show recovery of obscene videos related to the incident from the mobile phone of the accused. It was argued by the Ld. Addl. PP for the State that best evidence was withheld by the accused as there is nothing in the chargesheet that apart from the two mobile phone recovered from the



possession of the accused there were another hand set which was destroyed by the accused or withheld by him, therefore, I am unable to accept the submission of the Ld. Addl. PP. PW-9 Vikas Kumar, Sr. Scientific Officer from FSL, has categorically deposed that he had examined two Samsung mobile phone and after analysis, SMS messages were retrieved but no video, images could be retrieved from one mobile phone. With respect to another mobile phone images and videos including obscene video were recovered, but none of the obscene video or video is in relation to this case. The recovery of the images and videos, undoubtedly shows the character of the accused but does not prove his involvement in the present case. The character of the accused could have been used as a corroborate piece of evidence but stand alone could be of no help to the case of prosecution.

36. Ld. Addl. PP for the State had argued that suggestions were given by Ld. defence counsel to the victim which would indicate, that presence of the victim is duly admitted.



Undoubtedly the suggestions given by the Ld. Defence counsel would show that the presence of victim at the office of the accused. However, suggestions by itself would not be itself to convict the accused. In **Harpal (Supra)** the Hon'ble Punjab & Haryana High Court has stated that accused is not bound by the suggestions given to the witness by the counsel. In the facts of the case even if the suggestions are taken into consideration, they only show that victim had visited the accused but does not show that rape was committed, hence, this argument is liable to be rejected.

37. Ld. Counsel for the accused has argued that testimony of PW-4 is liable to be discarded as the documents brought by him are not supported with a certificate u/s 65 B of the Indian Evidence Act. I am unable to accept this submission as the Hon'ble Supreme Court in **Sonu @ Amar Vs. State of Haryana 2017 SCC Online SC 765**, held that objection relating to the mode or method of proof has to be raised at the time of marking of the document as an exhibit and not



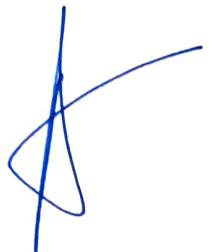
later. The relevant para is reproduced as under:-

“It is nobody’s case that CDRs which are a form of electronic record are not inherently admissible in evidence. The objection is that they were marked before the Trial Court without a certificate as required by Section 65B (4). IT is clear from the judgments referred to supra that an objection relating to the mode or method of proof has to be raised at the time of marking of the document as an exhibit and not later. The crucial test, as affirmed by this court, is whether the defect could have been cured at the stage of marking the document. Applying this test to the present case, if an objection was taken to the CDRs being marked without a certificate, the court could have given the prosecution an opportunity to rectify the deficiency. It is also clear from the above judgments that objections regarding admissibility of documents which are per se inadmissible can be taken even at the appellate stage. Admissibility of a document which is inherently inadmissible is an issue which can be taken up at the appellate stage because it



is fundamental issue. The mode or method of proof is procedural and objections, if not taken at the trial, cannot be permitted at the appellate stage. If the objections to the mode of proof are permitted to be taken at the appellate stage by a party, the other side does not have an opportunity of rectifying the deficiencies. The Ld. Senior counsel for the State referred to statements u/s 161 of the Cr.P.C. 1973 as an example of documents falling under the said category of inherently inadmissible evidence. CDRs do not fall in the said category of documents. We are satisfied that an objection that CDRs are unreliable due to violation of the procedure prescribed in Section 65 B (4) cannot be permitted to be raised at this stage as the objections relates to the mode or method of proof.

38. In the facts of the case this objection was never taken by the Ld Defence counsel at the time of exhibition of these documents so now in view of the the Judgment it can not be argued that these set of documents are inadmissible.



39. It was argued by the Ld Counsel for the accused that prosecution has to prove its case beyond reasonable doubt.

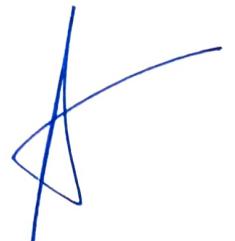
40. In **Narender Kumar (Supra)** the Hon'ble Supreme Court while referring to **Rajoo Vs. State of M.P. AIR 2009 SC 858** wherein it was held that:-

“It cannot be lost sight of that rape causes the greatest distress and humiliation to the victim but at the same time a fake allegations of rape can cause equal distress, humiliation and damages to the accused as well. The accused must also be protected against the possibility of fake implication...”

41. The court further held that even in rape case, the onus is always on the prosecution to prove, affirmatively each ingredient of the offence it seeks to establish and such onus never shifts.

42. In **S.L. Goswami (Supra)** it was held that :-

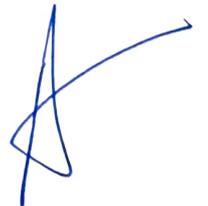
“In our view, the onus of proving all the ingredients on an offence is always upon the prosecution and at no stage does it shift to the accused. It is no part of the prosecution



duty to somehow hook the crook. Even in cases where the defence of the accused does not appear to be credible or is palpably false that burden does not become any less. It is only when this burden is discharged that it will be for the accused to explain or controvert the essential elements in the prosecution case which would negative it".

43. In the light of these two judgments, it was duty of the prosecution to prove its case, the said onus having not been discharged the accused was not duty bound to give explanation. The prosecution has been able to establish that accused Nasir @ Guru Sidhi @ Shoib Khan was running the advertisement and the prosecutrix had met her on several occasions but is unable to establish that rape was committed by him.

44. In these facts and circumstances accused is acquitted. He be released from judicial custody, if not required in any other case. Accused is directed to furnish a personal bond u/s 437 A Cr.P.C in the sum of Rs. 25,000/- with one surety

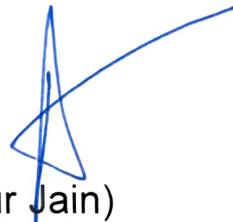


in the like amount to the satisfaction of the court concerned.

Accused shall be released from custody after the bond u/s 437A Cr.P.C. is furnished.

45. Copy of the order be given to the Ld. Counsel for the accused and as well as be sent to the Jail Superintendent through electronic mode for information.

***Announced on 24th July, 2020
through CISCO WEB EX.***



(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi