



2026:CGHC:6264

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

(Judgment Reserved on 14/11/2025)

( Judgment Delivered on 04/02/2026)

(Judgment Uploaded on 05/02/2026)

**CRA No. 959 of 2024**

Jagdish Kumar Son of Sugna Ram Mali Aged About 35 Years R/o Village Harsaur, Police Chowki Harsaur, Police Station, Thanwala, District - Nagaur (Rajsthan)

**--- Appellant**

**versus**

The State of Chhattisgarh Through The Police Chowki Tumdibod, Police Station Lalbag, District - Rajnandgaon, Chhattisgarh. (As Per Impugned Order Of Conviction Dated 07-05-2024)

**--- Respondent**

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|---------------|---|-----------------------------|
| For Appellant | : | Mr. Punit Ruparel, Advocate |
| For State     | : | Mr. Ajit Singh, GA          |

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**CRA No. 1076 of 2024**

Maneesh Sharma S/o. Panna Lal Sharma, Aged About 40 Years R/o. Bhakri, Thana -Pilwa, District Nagaur (Rajsthan)

**--- Appellant**

**Versus**

State of Chhattisgarh Through Out Post Tumdibod, Thana Lalbag, District Rajnandgaon, Chhattisgarh.

**--- Respondent**

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|---------------|---|---------------------------|
| For Appellant | : | Mr. Samir Singh, Advocate |
| For State     | : | Mr. Ajit Singh, GA        |

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**CRA No. 969 of 2025**

Laxmi Bai W/o Sanjay Singh Aged About 34 Years R/o Tatanagar, P.S. Karandi, Tatanagar, District Jharkhand, Presently R/o Maroda, H.S.C.L. Colony House No. 363, P.S. Newai, District Durg, Presently R/o Supela, Bhilai, Purani Basti, P.S. Supela, District Durg Chhattisgarh

**--- Appellant****Versus**

State of Chhattisgarh Through S.H.O. Police Post Tumdiboad, Police Station Lalbagh, District Rajnandgaon Chhattisgarh

**--- Respondent**


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| For Appellant | : | Mr. Shikhar Bakhtiyar, Advocate |
| For State     | : | Mr. Ajit Singh, GA              |

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**CRA No. 961 of 2024**

Salim Mohammad S/o Bhevawru Khan, Aged About 35 Years R/o Harsour, Out Post- Harsour, P.S.- Thawla, District Nagour (Rajasthan), Rajasthan.

**--- Appellant****Versus**

State of Chhattisgarh Through S.H.O. Out Post Tumdiboard, P.S. Lalbagh, District Rajnandgaon, Chhattisgarh.

**--- Respondent**


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| For Appellant | : | Mr. B.P. Singh, Advocate |
| For State     | : | Mr. Ajit Singh, GA       |

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**(Hon'ble Shri Justice Arvind Kumar Verma)****CAV Judgment**

1. All these appeals are being heard together, as the common thread passes through the issue.
2. The present appeals under Section 14A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been

preferred against the judgment of conviction and order of sentence dated 07/05/2024 passed in Special (Atrocity) Case No.23/2021 by the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Rajnandgaon, C.G.

3. **CRA No.959 of 2024** has been preferred by Jagdish Kumar (A/4) and he has been convicted and sentenced as under:-

| Conviction                                 | Sentence                                                                                            |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Under Section 366 of the Indian Penal Code | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |
| Under Section 370 of the Indian Penal Code | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |
|                                            | Both the sentences to run concurrently.                                                             |

4. **CRA No.969 of 2025** has been preferred by Laxmi Bai (A/1) and she has been convicted and sentenced as under:-

| Conviction                                 | Sentence                                                                                            |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Under Section 366 of the Indian Penal Code | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |
| Under Section 370 of the Indian Penal Code | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |

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|  | Both the sentences to run concurrently. |
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5. **CRA No.961 of 2024** has been preferred by Salim Mohammad (A/3) and he has been convicted and sentenced as under:-

| Conviction                                 | Sentence                                                                                            |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Under Section 366 of the Indian Penal Code | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |
| Under Section 370 of the Indian Penal Code | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |
|                                            | Both the sentences to run concurrently.                                                             |

6. **CRA No.1076 of 2024** has been preferred by Maneesh Sharma (A/2) and he has been convicted and sentenced as under:-

| Conviction                  | Sentence                                                                                            |
|-----------------------------|-----------------------------------------------------------------------------------------------------|
| Under Section 370 of I.P.C. | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |
| Under Section 376 of I.P.C. | R.I. for 7 Years and fine of Rs.5000/-. In default of payment of fine additional R.I. for 2 months. |
|                             | Both the sentences to run concurrently.                                                             |

7. As per the prosecution case, due to the broken arm of the victim's husband and the responsibility of raising their three children, the victim used to go out for labour work. When her husband's arm was broken, her husband was taken to Bhilai for treatment. The victim's aunt-in-law lives in Bhilai. In the same house, the victim got acquainted with the accused Smt. Laxmi Bai. After getting acquainted with the accused Smt. Laxmi Bai, the victim used to work with the accused Smt. Laxmi Bai as a utensil washer in marriages in Bhilai. During the same time, the accused Smt. Laxmi Bai asked about her caste, on which the victim told that her caste is Satnami. The accused Smt. Laxmi Bai asked the victim to go out for work and was told that she would get good money outside, on this the victim agreed to go out.
8. Accused Smt. Laxmi Bai had called the victim on 12.02.2021 and asked her to be ready to go out in the evening and asked her to come to pick her up. At around 5.00 pm, accused Smt. Laxmi Bai called the victim and asked her to reach village Halditeka and come near the road. Then the victim went near the village road with clothes and Aadhar card in a bag. Accused Smt. Laxmi Bai had come near village Halditeka road on a motorcycle with two persons, accused Smt. Laxmi Bai sat on one person's motorcycle and the victim sat on another motorcycle and both of them went to Bhilai on the motorcycle to the house of the victim Smt. Laxmi Bai. The victim stayed with accused Smt. Laxmi Bai in Bhilai the whole night. She stayed and spent the whole day the next day at the house of the

accused, Mrs. Lakshmi Bai.

9. On 14.02.2021 at 04.00 am, accused Salim Mohammed and Jagdish Kumar came in a white coloured car. The victim sat in the same car along with accused Smt. Laxmi Bai, Jagdish Kumar and accused Salim Mohammad was driving the car. The above three accused took the victim to village Bhakri, Police Station Pilwa, District Nagaur, Rajasthan State by road via Rajnandgaon. They reached there around 10.00 am and stopped there. The next day, accused Jagdish Kumar brought accused Manish Sharma and introduced them. Accused Jagdish asked the victim to marry Manish. The victim stated that she is married and the mother of three children, and therefore would not marry. Accused Laxmi Bai then told the victim that she had incurred the cost of the car fare to Rajasthan, and who would pay for it. Accused Laxmi Bai also told the victim that she had been sold to accused Manish for 2 lakh rupees, and therefore she would have to marry him. Fearing further missteps, the victim agreed to the marriage. The accused then took her to a notary office, where they made a fake Aadhaar card using her father, Bhagat Diwakar's name, instead of her husband's name, and listed her caste as Brahmin. The accused then forcibly married her to accused Manish Sharma. After the marriage, accused Manish Sharma took the victim to his home in village Bhakri, police station Pilwa, district Nagaur, Rajasthan. Accused Manish Sharma kept the victim's mobile phone SIM card and gave her another mobile number. Accused Manish Sharma forcibly raped her by threatening her.

10. The victim's husband called her, but the phone was switched off. He searched around for his wife, but found nothing. When it came to light, the victim's husband went to Police Post Tumribod along with Lalit Markande and Shailkumar Banjare of the village and filed a missing report at Police Post Tumribod. Missing report number 14/2021 was registered at Police Post Tumribod. Assistant Sub Inspector Rajkumar Mahilange posted at Police Post Tumribod, along with his staff and female staff, went to Police Post Harsaur, Police Station Thawala, District Nagaur, Rajasthan by road in his car to search for the victim. Assistant Sub Inspector Rajkumar Mahilange along with his staff reached Police Post Harsaur, Police Station Thawala, District Nagaur, Rajasthan on 02.03.2021. At Police Post Harsaur, Police Station Thawla, District Nagaur, Rajasthan, the victim was taken to the house of accused Manish Sharma in village. Upon learning that she was living in Aikri Police Station, Pilwa, District Nagaur, Rajasthan, Assistant Sub-Inspector Rajkumar Mahilange, along with his staff, reached the house of accused Manish Sharma on March 2, 2021. The victim was found at the house of accused Manish Sharma. On March 2, 2021, the victim was recovered from the house of accused Manish Sharma in the presence of witnesses Panna Lal and Kamal Seni, and a recovery panchnama was prepared.
11. After recovering the victim, Assistant Sub-Inspector Rajkumar Mahilange, along with his staff, brought her to the Tumribod police station in his own vehicle on March 4, 2021. Assistant Sub-Inspector

Rajkumar Mahilange took the victim to Sakhi Center, Rajnandgaon, for safety on March 4, 2021 and sent the victim for genital examination to Medical College Rajnandgaon through lady constable Arpana Ekka on 05.03.2021 along with a memorandum. On 05.04.2021 in Medical College Rajnandgaon, Dr. Souhadra Thakur had given a report of sexual intercourse after conducting physical and genital examination of the victim and had prepared and sealed four vaginal slides of the victim and given them to lady constable Arpana Ekka for chemical examination. Assistant Sub Inspector Rajkumar Mahilange on 05.03.2021 itself seized the sealed vaginal slide given by the doctor from lady constable Arpana Ekka in the presence of a witness and prepared a seizure memo.

12. On 12.03.2021, the victim had lodged a written complaint against the accused at the Tumribod police post. On the basis of that written complaint, Inspector Ritesh Mishra registered a First Information Report (FIR) No. 0/2021 under sections 366, 368, 370, 376, 493 of the Indian Penal Code at the Tumribod police post on the same day and sent it to Lalbag police station for numbering. Assistant Sub-Inspector Saraswati Netam, on 12.03.2021 itself, registered a First Information Report (FIR) No. 104/2021 under sections 366, 368, 370, 376, 493 of the Indian Penal Code at the Tumribod police post.
13. During investigation, Inspector Ritesh Mishra on 12.03.2021 went to the victim's house and prepared a site map of the victim's house in front of witnesses. During the investigation, Inspector Ritesh Mishra



had sent a memorandum to Tehsildar Dongargaon on 17.03.2021 to get a site map of the incident prepared from the Halka Patwari. In compliance with that memorandum, Halka Patwari Moolchand Rathiya had prepared a site map of the incident on 01.06.2021. During the investigation, Inspector Ritesh Mishra had given a notice to the victim on 23.03.2021 to present the documents related to the marriage. In compliance with that notice, the victim had given the photocopy of the agreement executed in connection with the marriage with the accused Manish Sharma to Inspector Ritesh Mishra on 17.05.2021. Then, on the same date, Investigating Officer Ritesh Mishra seized the photocopy of the agreement executed in connection with the Rajnad marriage from the victim with the accused Manish Sharma in the presence of witness Maya Ram and witness Kirtan Ahir and prepared a seizure memo.

14. During the investigation, on 23.03.2021, Inspector Ritesh Mishra seized a black coloured mobile set of Micromax company, SIM number 8889534046 and the altered Aadhar card from the victim in the presence of witnesses Maya Ram and Sen Kumar and prepared a seizure memo. During the investigation, Inspector Ritesh Mishra had given notice to the victim on 30.03.2021, 31.03.2021, 02.04.2021, 20.04.2021, 16.05.2021 to produce the caste certificate. On 17.05.2021 Inspector Ritesh Mishra seized the victim's caste certificate in front of witnesses and prepared a caste sheet. During the investigation, Inspector Ritesh Mishra had interrogated the accused Mrs. Laxmi Bai on 13.03.2021, on which the accused Mrs.

Laxmi Bai had confessed to taking the victim to Rajasthan and selling her to Manish Sharma and getting her married, hence a confession panchnama was prepared and on the same day the accused Mrs. Laxmi Bai was arrested and the arrest panchnama was prepared and her family members were informed about it.

15. During the investigation, Assistant Sub-Inspector Rajkumar Mahilange along with his staff went to Harsaur Police Station, Thawala, District Nagaur, Rajasthan for investigation and on 28.03.2021, arrested the accused Manish Sharma and prepared the arrest panchnama and brought him to Police Post Tumribod after taking transit remand from Judicial Magistrate First Class, North Ajmer, Rajasthan. On 30.03.2021, at Police Post Tumribod, Inspector Ritesh Mishra recorded the memorandum statement of the accused Manish Sharma in front of Bhuvan Patel and Akash and prepared the interrogation panchnama. On the same day, Inspector Ritesh Mishra seized the clothes worn by the accused Manish Sharma at the time of his marriage with the victim, i.e., full pants and a printed white shirt, in front of witnesses Bhuvan Patel and Akash, and prepared a seizure memo.
16. Assistant Sub Inspector Rajkumar Mahilange along with his staff on 17.04.2021 went to Thana Thawla, District Nagaur, Rajasthan and recorded the memorandum statement of accused Salim Mohammad in the presence of witness Birendra Kumar and constable Amit Bais at Thana Thawla itself and on the same day, in the presence of

witness Birendra Kumar and constable Amit Bais, the Innova car number RJ 14 TB-7459 along with its keys and RC book was seized from the house of accused Salim Mohammad and prepared a seizure memo along with the memorandum and handed it over to Thana Thawla for his safety. Assistant Sub Inspector Rajkumar Mahilange arrested accused Salim Mohammad on the same day in the presence of witness Birendra Kumar and constable Amit Bais and prepared the arrest memo and on the same day, after obtaining transit remand from the Chief Judicial District Magistrate, District Nagaur, Rajasthan, he was brought to Police Post Tumdibod.

17. Assistant Sub Inspector Rajkumar Mahilange had recorded the statements of Ajay Singh, Kaisraj Manihar, Shailesh Vaishnav on 17.04.2021 in Harsaur, Rajasthan, Ranveer Singh on 26.04.2021 and Manish Kumar on 04.05.2021 as per their instructions. During the investigation, Inspector Ritesh Mishra had sent a memorandum to SDM Rajnandgaon on 19.04.2021 to take action for identification of accused Salim Mohammad. On 27.04.2021, Ramesh Kumar Mor Tehsildar went to District Jail Rajnandgaon and arrested accused Mohammad Salim. The process of identification was done, in that process the victim had identified the accused Mohammad Salim by touching him, then he had prepared the Panchnama of the identification process.
18. During the investigation, Inspector Ritesh Mishra arrested the accused and a memorandum was sent to Cyber Cell Rajnandgaon on

20.04.2021 for the call details of the victim. Inspector Ritesh Mishra recorded the statements of Maya Ram, Lalit Kumar Markande on 12.03.2021 and Mrs. Dhaneshwari on 02.04.2021 as per their instructions. Sub-Inspector Indira Vaishnav recorded the statement of the victim at Kotwali Police Station Rajnandgaon on 13.03.2021 as per their instructions. On being booked under the Atrocity Act, Deputy Superintendent of Police V.B. Nand had sent a notice to the victim and Maya Ram on 08.05.2021 for recording their statements and a notice was also sent to Lalit Kumar Markande for recording his statement. A notice was sent to Mrs. Dhaneshwari Navrange on 19.05.2021 for recording the statement. Deputy Superintendent of Police V.B. Nand has recorded the statement of the victim, Lalit Kumar Markande and Mayaram as per their statement at Police Outpost Tumribod on 19.05.2021 and after complete investigation, a case was registered against the accused Smt. Laxmi Bai, Salim Mohammad, Manish Sharma under sections 365, 366, 368, 370, 376, 493 IPC and section 3 (2) (v) of the Atrocity Act on 07.06.2021, a challan was presented and cognizance was taken by this Court.

19. On 16.06.2021, Deputy Superintendent of Police V.B. Nand took accused Jagdish into custody at Police Outpost Tumribod and recorded a memorandum statement in front of witnesses Akash Nirmalkar and Bhuvan Patel and accused Jagdish Mali got his share of Rs. 5,500.00 seized in front of witnesses Akash Nirmalkar and Bhuvan Patel, then Deputy Superintendent of Police V.B. Nand seized Rs. 5,500.00 from accused Jagdish Mali and prepared a

seizure memo and after complete investigation, on 27.07.2021, a case was registered against accused Jagdish Kumar under sections 365, 366, 368, 370, 376, 493 IPC and section 3 (2) (v) of the Atrocity Act.

20. Charge sheet was filed against accused Smt. Laxmi Bai, Jagdish Kumar, Salim Mohammad and Manish Sharma under sections 365, 366, 368, 370 of IPC and section 3(2) (v) of Atrocity Act and against accused Manish Sharma under section 376 of IPC. They denied committing the said offence and wanted trial in defence. The accused have not examined any witness in defence.
21. The learned trial Court after evaluating the evidence, convicted and sentenced the accused persons as aforementioned. Hence these appeals.
22. Mr. B.P. Singh and Mr. Shikhar Bakhtiyar, learned counsel for the appellants in CRA No.961 of 2024 & CRA No.969 of 2025, respectively, would submit that the very foundation of the prosecution case is vitiated inasmuch as the FIR is highly belated, and the name of the present appellants do not find mention in the FIR at all, which by itself creates a serious dent in the prosecution story and renders the implication of the appellant doubtful. They would next contend that as per the prosecution version itself, the prosecutrix was allegedly recovered on 02.03.2021, whereas the complaint came to be lodged only on 12.03.2021, i.e., after an unexplained delay of ten days. The prosecution has failed to offer

any plausible explanation for such delay. They would next contend that this unexplained and inordinate delay goes to the root of the matter and clearly suggests that the complaint is an afterthought, deliberated and concocted, thereby rendering the prosecution case wholly unreliable. They would next contend that the conduct of the prosecutrix is wholly inconsistent with the prosecution case. The prosecutrix is admittedly a major woman having three children, fully capable of understanding the nature and consequences of her acts. They would next contend that the evidence on record clearly establishes that the prosecutrix travelled from Chhattisgarh to Rajasthan of her own accord, without raising any alarm and without making any complaint to any person, authority, or co-traveller. They would next contend that the prosecutrix was never recovered from the possession of the appellants i.e. Salim Mohammad and Laxmi Bai, which fact is admitted by the prosecution itself. The entire prosecution case revolves around the alleged acts of co-accused Manish Sharma, and the appellant has been falsely implicated without any legally admissible evidence. They would next contend that the testimony of the prosecutrix is damaged with material contradictions and omissions, which strike at the very core of the prosecution case. He would lastly contend that in such circumstances, it is most respectfully submitted that the appellant may be acquitted of the charges leveled against them and the instant appeals may be allowed.

23. Mr. Punit Ruparel, learned counsel for the appellant in CRA No.959

of 2024 would submit that the entire prosecution case hinges primarily upon the testimony of PW-1 (prosecutrix), and there is no independent ocular witness to support the allegations of force, coercion or trafficking. He would next contend that it is a settled principle of law that though conviction can be based on the sole testimony of the prosecutrix, such testimony must inspire confidence, be cogent, consistent and free from material contradictions. In the present case, the testimony of PW-1 is riddled with material admissions and inconsistencies, demolishing the prosecution version. He would next contend that PW-1 has categorically admitted in her cross-examination that she was continuously in touch with her husband and was having a mobile phone with her. He would next contend that the prosecutrix never complained to her husband or any other person regarding alleged force or sexual exploitation and voluntarily accompanied the appellant, carrying her clothes and Aadhaar Card. He would next contend that the prosecutrix put her signatures with free consent on the agreement executed between herself and the appellant. He would next contend that PW-2 (Ajay Singh), a neutral and independent witness, proved the execution of a notarized agreement dated 16.02.2021, executed with the free consent of both parties, including PW-1. He would next contend that PW-8 (Stamp Vendor) corroborated the sale of stamp paper to PW-1 herself, duly entered in his official register and later deposited in the office of the Sub-Registrar, Ajmer. He would next contend that since the prosecutrix

is a major, acted voluntarily and remained silent throughout, therefore, the essential ingredients of both offences are conspicuously absent. In support of his contention he placed his reliance upon the law laid down by the Hon'ble Supreme Court in the matter of *Ajeet Singh Versus State of Uttar Pradesh & Ors.* {2024 LiveLaw (SC) 18} and the law laid down by this Court in the matter of *Lakhan Bandra vs. State of C.G., Criminal Appeal No. 1678/2018, decided on 30.09.2022* which lay down that conviction cannot be sustained where evidence shows voluntary conduct and absence of exploitation. He would lastly contend that in view of the facts and circumstances stated hereinabove, it is most respectfully prayed that the appeal may be allowed and the impugned judgment of conviction may be set aside.

24. Mr. Samir Singh, learned counsel for the appellant in CRA No.1076 of 2024 submits that the impugned judgment and order of conviction passed by the learned Trial Court is illegal, perverse and unsustainable in the eyes of law, as the same is based on conjectures and presumptions rather than legally admissible and reliable evidence. He would next contend that the essential ingredients of Section 370 of the IPC have not been established by the prosecution. He would next contend that there is not an iota of evidence to show that the appellant ever recruited, transported, harboured, transferred or received the prosecutrix for the purpose of exploitation by use of force, threat, coercion, fraud, deception or inducement. In absence of fulfillment of the mandatory statutory ingredients, conviction under



Section 370 IPC is wholly unsustainable. He would next contend that the appellant was never alleged to be a trafficker. He would next contend that it is a settled position of law that mere presence or association does not constitute trafficking, unless exploitation for wrongful gain is clearly established. He placed reliance upon the law laid down by the High Court of Kerala in the matter of *Shajahan v. State of Kerala* {Kerala (2014)}, *Girija v. State of Kerala* (2023) and the law laid down by the Karnataka High Court in the matter of *Chandru S. v. State by Malleshwaram P.S. {Bengaluru (Criminal Petition No.5059 of 2017)}* and would submit that a customer or consenting partner cannot be prosecuted under Section 370 IPC in absence of proof of trafficking and exploitation. He would next contend that the testimony of PW-1 (victim) does not support the prosecution story. The prosecutrix herself admitted that she voluntarily accompanied the appellant, signed documents of her own free will, and stayed with the appellant without any force or confinement. Her testimony nowhere establishes coercion, threat or exploitation. He would next contend that PW-2 Ajay Singh categorically deposed that the prosecutrix was happy, not under pressure and that all documents including Aadhaar-related documents were produced voluntarily. This testimony completely demolishes the prosecution version of force or inducement. He would next contend that PW-7 Panna Lal has clearly stated that the marriage between the appellant and the prosecutrix was solemnized at Sai Mandir on 16.02.2021, without any resistance from the

prosecutrix, and thereafter she resided peacefully with the appellant. This witness establishes consent and lawful relationship beyond doubt. Learned counsel for the appellant submits that once consent and marital relationship are established, conviction under Section 376 IPC cannot be sustained. The prosecutrix herself admitted that no first-night ceremony or forcible sexual act took place, thereby completely falsifying the allegation of rape. He would next contend that the learned Trial Court has misapplied the judgment of the Hon'ble Supreme Court in *State of Goa v. Pandurang Mohite, (2009) 4 SCC 2100*, wherein it was held that if two views are possible, the view favourable to the accused must be adopted. The prosecution has utterly failed to prove the chain of circumstantial evidence. He would lastly contend that the prosecution has failed to prove its case beyond reasonable doubt and the conviction is based on surmises and presumptions, therefore, the instant appeal may be allowed and the impugned judgment may be set aside.

25. Per contra, learned State counsel opposes the submissions made by learned counsel for the respective appellants and would submit that the judgment passed by the trial Court is well merited which do not call for any interference.
26. I have heard learned counsel for the parties at length and have carefully perused the entire record of the case, including the oral and documentary evidence led by the prosecution as well as the impugned judgment of conviction and order of sentence.

27. The appeal has been preferred questioning the correctness of the findings recorded by the learned Special Judge on the grounds of alleged delay in lodging the FIR, consensual nature of the relationship, contradictions in the evidence and improper appreciation of the role of the appellants. Each of these submissions is required to be examined in the backdrop of the sequence of events emerging from the evidence on record.
28. The Prosecutrix Parvati Bai has been examined as PW-1. She in her statement at para Para-1 has stated that she knows accused Laxmibai, Manish and Jagdish, and also knows absconding accused Salim. She further in Para-2 has stated that the accused Laxmibai, on the pretext of providing work, called her to the village square and took her first to Bhilai, where she was kept for one day and one night, and thereafter took her in a car to Rajasthan. In Para-3 she stated that accused Jagdish detained her for one night and thereafter accused Laxmibai, Jagdish, Manish and the driver took her to Nagaur Court, where her Aadhaar details and caste was changed as Brahmin, and she was made to sign documents. Thereafter, she was taken to Village Bakhri and was forcibly married to accused Manish. She has further deposed that despite informing the accused that she was already married and had three children, accused Laxmibai told her that she had been sold to Manish for Rs. 2,00,000/- and she was compelled to marry due to fear for her life. She further stated that accused Jagdish threatened to kill her if she disclosed the truth, and after marriage she was sent to the house of accused Manish, where

he established physical relations with her without her consent and did not permit her to leave the house. She further in Para-6 stated that after contacting her family, her husband lodged a report and the police recovered her from the house of accused Manish after about four days. She further stated that accused Salim was driving the car during the journey from Bhilai to Rajasthan. She further stated that after returning to her village, she lodged a written complaint at Police Station Tumdibod (Ex.P-01) and cooperated in the investigation, during which her mobile phone, marriage documents, caste certificate and Aadhaar card were seized.

29. Husband of the prosecutrix Mayaram Markande (PW-9) has stated that the prosecutrix is his legally wedded wife and they reside together at Village Hardeteka, Police Station Tumdibod, District Rajnandgaon, and they have three children. He stated that his wife used to go for work with accused Laxmibai. He further stated that on 12.02.2021, he had gone out for work and returned home at about 8:00 PM, whereupon he found that his wife was not present. On enquiry, his daughter informed him that his wife had gone with accused Laxmibai for work. He stated that after about three to four days, he tried to contact his wife on phone, but accused Laxmibai received the call, informed him that his wife was working with her and thereafter cut the call, after which his wife's mobile phone remained switched off and he could not talk to her. He further stated that after about 8–9 days, police officials informed his brother that the prosecutrix had been taken to Rajasthan, and thereafter police

brought his wife back. He stated that on her return, his wife informed him that accused Laxmibai and Jagdish had taken her to Rajasthan and that she had been married to accused Manish. He stated that his wife told him that despite informing the accused that she was already married and had children, accused Laxmibai and Jagdish threatened her, got her Aadhaar card altered, changed her caste, and forcibly solemnised her marriage with accused Manish. He stated that his wife further told him that she was confined and was not allowed to talk freely on the phone.

30. From the testimony of the prosecutrix and other prosecution witnesses, it is clearly borne out that on the relevant date the prosecutrix left her parental home and thereafter came in contact with appellant Manish Sharma. The evidence further discloses that she remained with him for a considerable period and was taken to different places, including outside the State. During this period, assurances of marriage were extended to her and marriage-related documents were prepared.
31. The evidence further shows that during this course of events, the prosecutrix was assisted and influenced by the other appellants. Appellant Salim Mohammed facilitated transportation and movement, while appellant Smt. Laxmi Bai actively persuaded and pressurised the prosecutrix to submit to the arrangements made for marriage. The prosecutrix was thereafter kept at different places and eventually brought back, following which she lodged a written

complaint.

32. Upon the complaint being lodged, missing report, recovery proceedings, medical examination and identification proceedings were undertaken in accordance with law. The prosecutrix was sent to a safety centre, and thereafter the investigation culminated in filing of the charge-sheet.

***The first aspect requiring consideration is the delay in lodging the FIR.***

33. The evidence of the prosecutrix and the official witnesses establishes that she was not in a position to immediately approach the police, having been taken away from her home, kept under the influence and control of the accused persons and moved across State boundaries.
34. The explanation for delay stands duly proved from the record and appears natural. In cases of this nature, delay in lodging the FIR cannot be viewed with suspicion when the prosecutrix was under fear, pressure and domination. Thus, the delay does not affect the credibility of the prosecution case.
35. The prosecutrix has narrated the entire incident in a consistent and coherent manner. Her testimony reflects a continuous chain of events and clearly brings out the role played by each of the appellants. She has withstood cross-examination and no material contradiction has been elicited so as to discredit her version.

36. It is settled law that conviction can be based on the sole testimony of the prosecutrix if it inspires confidence. In the present case, her testimony is further corroborated by medical evidence, documentary exhibits and the conduct of the accused.

***The second aspect requiring consideration is the role played by each of the appellants.***

37. In an appeal against conviction, it is incumbent upon the Court to examine whether the evidence on record establishes the individual participation of each accused and the manner in which such participation contributed to the commission of the offence. The liability of the appellants, therefore, has to be assessed not in a general or collective manner, but with reference to the specific acts, conduct and intention attributable to each of them, as emerging from the prosecution evidence. Accordingly, the role of each appellant is examined hereinafter.

***Role of Appellant – Manish Sharma***

38. On appreciation of the evidence, this Court finds that appellant Manish Sharma played the central role in the commission of the offence. The prosecutrix has categorically stated that she was taken and kept by this appellant and that physical relations were established on the promise of marriage. The preparation of marriage-related documents and the assurance repeatedly extended to the prosecutrix clearly establish deception. The consent, if any, was not

a free and informed consent but was obtained by misrepresentation. The defence plea of consensual relationship, therefore, cannot be accepted. The conduct of this appellant in inducing the prosecutrix, taking her outside the State and maintaining a relationship under false pretence establishes his culpability beyond reasonable doubt.

***Role of Appellant – Salim Mohammed***

39. The evidence on record shows that appellant Salim Mohammed actively facilitated the movement and transportation of the prosecutrix. The seizure of the vehicle, identification proceedings and testimony of the prosecutrix and investigating officers clearly establish his involvement. His role was not incidental. He consciously assisted in enabling the prosecutrix to be taken from one place to another, thereby facilitating continuation of the offence. The identification proceedings have been proved in accordance with law and remain unshaken.

***Role of Appellant – Smt. Laxmi Bai***

40. The evidence of the prosecutrix, supported by other witnesses, reveals that appellant Smt. Laxmi Bai exerted influence and pressure upon the prosecutrix to submit to the marriage arrangements. She actively persuaded the prosecutrix and participated in the events leading to the commission of the offence. Her conduct goes beyond mere presence and amounts to active abetment. The evidence clearly establishes that her role contributed materially to the commission of



the offence.

***Role of Appellant – Jagdish Kumar***

41. So far as appellant Jagdish Kumar is concerned, though he was not the principal perpetrator, the evidence on record clearly establishes his conscious and deliberate participation in the commission of the offence. The material on record shows that he was fully aware of the circumstances in which the prosecutrix was being taken and kept and, despite such knowledge, he chose to assist the other accused. The evidence discloses that this appellant facilitated the acts of the principal accused by providing support and assistance at crucial stages, thereby enabling continuation of the offence. His conduct cannot be treated as casual or inadvertent, but reflects shared intention and active aid. In offences involving collective action, the role of a person who knowingly assists and facilitates the commission of the offence cannot be minimised merely on the ground that he was not the main actor. The acts attributed to this appellant clearly attract liability for abetment and common intention. Accordingly, this Court finds that the prosecution has proved the involvement of appellant Jagdish Kumar beyond reasonable doubt and his conviction calls for no interference.
42. The prosecution witnesses have proved the missing report, recovery of the prosecutrix, medical examination, seizure of articles, arrest and identification of the accused. The medical evidence corroborates the factum of physical relations. The documentary evidence lends

further assurance to the prosecution version.

43. The defence has failed to establish any plausible motive for false implication. The plea of consent and false implication remains a bald assertion, unsupported by any reliable evidence. The learned trial Court has correctly appreciated the evidence and recorded findings based on sound reasoning.
44. From the perusal of the oral testimony of the prosecutrix duly supported by the documentary evidence available on record, it stands established that the prosecutrix was taken to Rajasthan where her identity documents were misused for the purpose of solemnising a marriage. The Aadhaar card of the prosecutrix (Article A-2), seized vide seizure memo Ex.P-06, shows that in place of the name of her husband, the name of her father was shown, and further her caste was shown as “Brahmin”, whereas the caste certificate seized vide Ex.P-05 (Article A) demonstrates that she belongs to Satnami caste. The marriage documents seized vide Ex.P-04 reflect that the marriage of the prosecutrix was solemnised with accused Manish, and the same was used as proof of such marriage. The mobile phone of the prosecutrix was seized vide Ex.P-03, which corroborates her version that her SIM and mobile were kept and controlled by the accused after the marriage. The delay which has been caused in lodging of the FIR was on account of that the prosecutrix being a uneducated lady and she was sold to some other person for a sum of Rs.2,00,000/-, therefore, under the fear she did not disclose anything

to her husband over the mobile phone and the same is evident from the fact that the written complaint Ex.P-01 was lodged immediately after her return which corroborates the sequence of events. Thus, from the cumulative reading of the documentary exhibits and supporting testimony, it emerges that the identity particulars of the prosecutrix were altered, her marriage was solemnised with the main accused Manish, and her communication was restrained by retaining her SIM/mobile.

45. Therefore, the manner in which the above crime has been committed and looking to the gravity of offence, this Court is satisfied that the prosecution has proved its case beyond reasonable doubt and the defence has failed to bring on record any material to discredit the said evidence or to create any reasonable doubt. The findings recorded by the learned Special Judge are based on proper appreciation of evidence and correct application of law and do not suffer from any perversity or illegality so as to warrant interference by this Court. Accordingly, the conviction and sentenced as awarded by the trial Court to the appellants is hereby upheld. All the appeals lack merit and are accordingly **dismissed**.
46. It is stated at the Bar that the appellants are in jail. They shall serve out the sentence as ordered by the trial Court.
47. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellants are undergoing their jail sentence to serve the same on the appellants informing them that

they are at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.

48. Let a copy of this judgment and the original record be transmitted to the trial Court concerned forthwith for necessary information and compliance.

SD/-  
(Arvind Kumar Verma)  
**JUDGE**

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