



2026:AHC:163171

Reserved on 20.5.2026

Delivered on 5.8.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 291 of 1984

Dirra Singh And Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Chandra Shekhar, Kuldeep Singh, Nitin Kumar Srivastava, Padmaker Pandey, Sunil Kumar Srivastava, Vishnu Pal
Counsel for Respondent(s)	:	A.G.A.

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Heard Ms. Pratima Viskwakarma, learned Amicus Curiae for appellant and Sri Devesh Kumar, learned AGA for the State.

2. The accused-appellant has been convicted and sentenced vide judgment and order dated 17.1.1984 passed by IV Additional Sessions Judge, Fatehpur in S.T. No. 350 of 1981 (State vs. Dirra Singh and others), whereby appellant has been sentenced up to seven years rigorous imprisonment for offence under Section 376 IPC and convicted under Section 366 IPC and sentenced to five years' rigorous imprisonment, under Section 342 IPC and sentenced to one year rigorous and under Section 352 IPC sentenced to three months rigorous imprisonment.

3. The appeal in respect of appellant no. 1 (Munna) has abated vide order dated 5.2.2018.

4. The prosecution case, in brief, is that the prosecutrix, (P.W.-1), was the daughter of Jhelma Kewat, a resident of village Dapsaura, and was married in village Surauli. On 24.08.1977, she had come to her parental village. Her father had cultivated a crop of kakri on batai in the field of Mahabir, where a hut had been erected to guard the crop. WOn the same day at about 6:30 p.m., while prosecutrix and her bua, Smt. Nibya (P.W.-2), were returning to the village from the field, accused Gorey Singh and Dirra Singh allegedly intercepted them. It is alleged that Dirra Singh caught hold of Smt. Nibya

and threatened her with a country-made pistol, while Gorey Singh dragged Smt. Durji into the hut and committed rape upon her. Thereafter, Dirra Singh also entered the hut and allegedly committed rape on her.

5. After Smt. Nibya was released, she went to the village and informed her brother P.W.-4 Sukhdev and family members. It is further alleged that the accused took victim towards the bank of river Jamuna and compelled her to enter into a compromise and to accompany them. In the meantime, on receiving the information, Siddha, Devi Dayal, Chheduwa, Mahipal, P.W.-4 Sukhdeo, Ramlal and other villagers reached the spot. The accused allegedly fired from their country-made pistols and escaped. Prosecutrix was brought back to her house. On the next day, i.e., 25.08.1977, she lodged an oral report at Police Station at about 2:00 p.m., on the basis of which the chik F.I.R. was prepared and the case was registered in case crime no. 148/1977 at Police Station-Chandpur, District Fatehpur. Her semen-stained petticoat was taken into police custody. She was medically examined on the same day at the District Hospital, Fatehpur. The investigation was conducted by Sri J.P. Shukla (P.W.-3), who recorded the statements of the witnesses, prepared the site plan and, after completing the investigation, submitted the charge-sheet against the accused.

6. The learned trial court framed charges against both the accused under Sections 376, 366 and 342 IPC. The charges were read over and explained to them. Both the accused denied the charges and claimed trial. In support of its case, the prosecution examined three witnesses, namely, the prosecutrix as P.W.-1, Smt. Nibya as P.W.-2 and Sukhdev as P.W.-4. The prosecutrix P.W.-1 fully supported the prosecution case. She stated that both the accused intercepted her and her bua, threatened them with a country-made pistol, and while accused Dirra Singh kept her bua confined outside, accused Gorey Singh committed rape upon her inside the hut. Thereafter, Gorey Singh came out and asked Dirra Singh to do the same. Taking advantage of the opportunity, P.W.-2 escaped from the custody of Dirra Singh, informed her brother Sukhdev (P.W.-3) and other villagers, who reached the spot. When they did not find the accused and the prosecutrix near the hut, they searched further and found them near the bank of river Jamuna. On seeing the villagers, both the accused fled away.

7. P.W.-2 Smt. Nibiya has also supported the prosecution case. She stated that on the date of the incident she had gone to the fields along with the prosecutrix. While they were returning, both the accused intercepted them and threatened them with a country-made pistol. According to her, accused Gorey Singh dragged the prosecutrix inside the hut, whereas accused Dirra Singh kept her confined outside at gun point. After Gorey Singh came out of

the hut, he asked Dirra Singh to go inside. As soon as Dirra Singh proceeded towards the hut, she found an opportunity to escape and immediately ran to the village, where she informed her brother, P.W.-4 Sukhdev, and other villagers about the occurrence.

8. P.W.-4 Sukhdev, the uncle of the prosecutrix, also supported the prosecution case. He stated that the prosecutrix was the daughter of his real brother. According to him, on the date of the incident, P.W.-2 Smt. Nibya informed him that both the accused had taken away the prosecutrix after threatening her with a country-made pistol. Thereupon, he along with other villagers went to the field where the occurrence had allegedly taken place. However, neither the accused nor the prosecutrix was found there. Thereafter, they proceeded towards the bank of river Jamuna, where they found both the accused along with the prosecutrix. On seeing them, the accused ran away after crossing the bridge over the river.

9. After conclusion of prosecution evidence, statements of accused were recorded under Section 313 Cr.P.C., where both the accused denied the prosecution allegations and pleaded false implication. Accused Dirra Singh stated that there was previous enmity as an exchange of fire had taken place between him and Mahabir, in whose field the father of the prosecutrix worked as a servant and cultivator. According to him, he was falsely implicated under the influence of Mahabir. Accused Gorey Singh stated that one Farrey Kewat, who belonged to the caste of the prosecutrix, was inimical towards him and the present case had been lodged at his instance.

10. The learned trial court found that the testimony of the prosecutrix was consistent and trustworthy. Though she did not know the accused before the incident, she identified them on the basis of the names disclosed by P.W.-2, who had known both the accused since her childhood as they belonged to the same village. The trial court, therefore, found no reason to doubt their identification. The trial court also noticed that no external or internal injury was found on the person of the prosecutrix during her medical examination conducted on the next day. However, it held that the medical evidence was not sufficient to discard the otherwise reliable testimony of the prosecutrix.

11. It further observed that though P.W.-2 had not witnessed the actual act of rape as it had taken place inside the hut, her testimony fully supported the prosecution case regarding the circumstances preceding and following the occurrence. The defence plea of false implication on account of previous enmity was also considered. The trial court observed that the alleged exchange of firing had taken place about six years prior to the incident and such old enmity was not sufficient to falsely implicate the accused in a

serious offence. Holding that the prosecution had proved its case beyond reasonable doubt, the trial court convicted both the accused under Sections 366, 376, 342 and 352 read with Section 34 IPC.

12. Learned counsel for the appellants submitted that the learned trial court committed an error in appreciating the evidence on record and wrongly convicted the appellants. It was argued that previous enmity between the accused and Mahabir, in whose field the father of the prosecutrix worked as a servant, is an admitted fact. P.W.-2 also admitted such enmity and the earlier exchange of fire between Mahabir and accused Dirra Singh. It was, therefore, contended that the possibility of false implication cannot be ruled out. Learned counsel further submitted that the place of occurrence is also doubtful. It was argued that, according to the prosecutrix herself, after the alleged rape, both the accused took her towards the bank of river Jamuna and asked her to accompany them to Hamirpur and live with them as their wife. This part of the prosecution story is unnatural and renders the prosecution version doubtful. It was also submitted that the prosecutrix stated that she had sustained injuries on her back, elbows and waist while resisting the accused, but no such injuries were found by the doctor during her medical examination. Hence, it was prayed that the conviction recorded by the learned trial court be set aside.

13. Learned Amicus Curaie supported the judgment of conviction and submitted that the prosecution has proved its case beyond reasonable doubt. It was argued that the testimony of the prosecutrix is reliable and inspires confidence. Her evidence is duly corroborated by P.W.-2 regarding the circumstances of the occurrence and by P.W.-3 regarding the conduct of the accused immediately thereafter. It was further submitted that conviction can be based on the sole testimony of the prosecutrix if it is found trustworthy. Mere absence of injuries on her person or the plea of previous enmity is not sufficient to discard the otherwise reliable prosecution evidence. It was, therefore, prayed that the appeal be dismissed and the judgment of conviction and sentence be affirmed.

14. Heard learned counsels and carefully examined the evidence recorded during trial. There appears to be no plausible reason to doubt the testimony of the prosecutrix. She has consistently stated that she did not know either of the accused before the incident and came to know their identity only after her bua, P.W.-2 Smt. Nibya, disclosed their names to her. During cross-examination, when questioned about the previous enmity between the accused and Mahabir, she expressed her ignorance. This itself indicates that she had no personal reason to falsely implicate the accused. It is also difficult to accept that a victim of rape would falsely implicate two unknown

persons by sparing the real offenders. Had the prosecutrix or her family members intended to falsely implicate the accused, the prosecution story could have been easily improved. P.W.-2 could have stated that she had witnessed the actual commission of rape. Likewise, P.W.-3 Sukhdev and the other villagers could have deposed that they found the accused and the prosecutrix at the hut itself. Instead, the prosecution witnesses have stated only those facts which they actually witnessed. This lends assurance to the truthfulness of their version.

15. The contention regarding the absence of injuries on the person of the prosecutrix also does not merit acceptance. The prosecutrix stated that she had sustained injuries on her back, elbows and waist during the struggle. These were minor injuries and there is every possibility that they escaped the notice of the examining doctor, particularly when no specific complaint regarding such injuries appears to have been made. Mere absence of injuries, therefore, is not sufficient to discard the otherwise reliable testimony of the prosecutrix. The testimony of the prosecutrix finds material corroboration from the evidence of P.W.-2 and P.W.-3 regarding the events immediately before and after the occurrence. On an overall appreciation of the evidence, the prosecution version appears natural, consistent and trustworthy. The findings recorded by the learned trial court are correct on this aspect, therefore, call for no interference.

16. Accordingly, the appeal is dismissed.

August 5, 2026

Ujjawal

(Anil Kumar-X,J.)