

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.118 of 2021

[Against the Judgment of conviction and Order of sentence dated 20.02.2021, passed by the learned Additional Sessions Judge - I, Rajmahal, in Sessions Trial No.116 of 2012, arising out of Ranga P.S. Case No.06 of 2012 (G.R. No.33 of 2012)]

Aalim Ansari, Aged about 24 years, son of Late Naim Ansari, Resident of village Talbariya, P.O and P.S Ranga, District Sahibganj.
..... **Appellant**

Versus

The State of Jharkhand **Respondent**

PRESENT
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Gautam Kumar, Advocate
Mr. Ashutosh Kr. Sinha, Advocate
Ms. Pushpanjali Kumari, Advocate
For the State : Mr. Sardhu Mahto, A.P.P

Order No.08/ Dated: 23rd June, 2026

1. Heard Mr. Ashutosh Kumar Sinha, learned counsel for the appellant and Mr. Sardhu Mahto, learned counsel for the State.
2. The present appeal is directed against the judgment of conviction and order of sentence dated 20.02.2021, passed by the learned Additional Sessions Judge - I, Rajmahal, in Sessions Trial No.116 of 2012, arising out of Ranga P.S. Case No.06 of 2012, corresponding to G.R No.33 of 2012, whereby the appellant has been convicted for the offence under Section 376 of the Indian Penal Code (in short IPC) and has been sentenced to undergo rigorous imprisonment for seven years with fine of Rs.20,000/- (Twenty thousand) and in default of fine, further sentenced

to undergo rigorous imprisonment for one year.

3. The prosecution story, in short, is based on the written information dated 24.01.2012 of the informant-cum-victim, stating therein that since last 8 months Aalim Ansari was making physical relation with her on assurance of marriage and when she became pregnant, she asked Aalim Ansari to marry her. Aalim Ansari kept on lingering to marry her and despite she was having pregnancy of five months she did not marry her and threatened to kill her. Lastly on 12.01.2012, Aalim Ansari refused to marry her. It is alleged by the prosecutrix lady that Aalim Ansari has raped her on assurance of marriage.

On the basis of above information of the victim, Ranga P.S Case No.06 of 2012 dated 24.01.2012 has been registered under Sections 376, 493 and 506 IPC, against the accused-appellant and the police, after completing the investigation, has submitted the charge-sheet under Sections 376/ 493/ 506 IPC and the trial court has framed the charge under Section 376 IPC. Thereafter, the case has been committed to the court of Sessions to which the appellant has pleaded innocence and claimed to be tried and accordingly, the trial has commenced.

4. To substantiate the charges, the prosecution has examined altogether 07 witnesses and their depositions, in short, are as follows:-

5. **P.W.-1, Badiruddin Ansari**, is one of the members of the *Panchayati*. He has stated in his examination in chief

that the victim has admitted the fact in the *Panchayati* that the accused has made physical relationship with her on assurance of marriage and she was carrying child of Alim Ansari. The accused has also admitted that he will marry with the victim, but refused to do the same

6. **P.W.-2, Khalil Ansari @ Bara Khalil,** is the father of the victim -cum- informant. He has deposed that the accused raped his daughter on assurance of marriage and further *Panchayati* was also held.

In cross-examination, he has admitted that Aalim is the husband of his daughter and his daughter got pregnant when the *Nikah* and *Kabulnama* were not made.

7. **P.W.-3, Lal Mohammad,** is also one of the members of the *Panchayati*. He has also deposed that the accused has refused to marry the victim when child was born as he was already married.

In cross-examination, he has admitted that the victim and accused-appellant are husband and wife.

8. **P.W.-4, Anul Ansari,** is also one of the members of the *Panchayati*. He has deposed that Aalim has made physical relationship with the victim on assurance of marriage and when she became pregnant, he denied for the marriage. In *Panchayati*, the accused assured to marry the victim after the birth of the child, but later he denied.

9. **P.W.-5, xxxxxx,** is the informant herself. She has deposed that the accused has made physical relationship with her on assurance of marriage. When she became

pregnant, he assured that the marriage will be solemnized after the birth of the child, but later he denied. She lodged the case in the police station.

In cross-examination, she has admitted that there was love affair between them and they have also got married and she was happy in her relationship with Aalim. She has admitted that she has two children with Aalim Ansari. She has also stated that she got married to Aalim three years back and before marriage, the case has already lodged by her.

10. P.W.-6, Dr. Ajay Kumar, is the Investigating Officer of the case. He has recorded the statement of the prosecutrix and the witnesses and all of them supported the prosecution case.

11. P.W.-7, Dr. Anna Kujuri, is the doctor who has examined the prosecutrix and proved the prescription (Ext.-x/1). During examination she found foetus of 24 weeks having heart sound.

12. On consideration of above materials on record, the trial Court has found the appellant guilty for the offence under Section 376 IPC and sentenced him, as stated above.

13. Being aggrieved by the aforesaid judgment of conviction, the appellant has preferred the present appeal.

14. Referring to the above depositions, learned counsel for the appellant has submitted that the although allegation against the appellant is the consensual relationship, but the consent has been obtained by false pretext of marriage. A

Panchayat was held and subsequently they solemnized the marriage and have been blessed with two children. The victim has clearly stated in her statement that she was having affair with the appellant and she was happy and the case has been lodged as there was delay in performing marriage.

On the basis of above factual matrix, it has been submitted by the learned counsel for the appellant that no offence is made out under Section 376 IPC as both the parties are major and further, they were aware regarding the consequences of the relationship and only when she got pregnant, as a pressure tactics, the present case has been lodged and subsequently, they have solemnized the marriage also. Accordingly, prayer has been made that the judgment of conviction and order of sentence be quashed and set aside and the appellant be acquitted in the facts and circumstances of the case.

15. On the other hand, learned counsel for the State has supported the judgment of conviction and order of sentence.

16. Having heard learned counsel for the parties and from perusal of record, it appears that both the parties are major and their relationship was consensual and as a pressure tactics, the present case has been lodged. Merely having a sexual relationship and the bald statement that on the false pretext of marriage, the consent has been obtained, is not enough to convict the appellant and even

this factual matrix has been negated by the victim in her deposition.

17. In view of above factual matrix of the present case, the conviction of the appellant under Section 376 IPC is hereby, quashed. Accordingly, the judgment of conviction and order of sentence dated 20.02.2021, passed by the learned Additional Sessions Judge - I, Rajmahal, in Sessions Trial No.116 of 2012, arising out of Ranga P.S. Case No.06 of 2012, corresponding to G.R No.33 of 2012 is, hereby, quashed and set aside.

18. In the result, the appeal stands allowed and accordingly disposed of.

19. The appellant is on bail, hence, he is discharged from the liability of bail bond.

20. Let the Trial Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment.

(Rajesh Kumar, J.)

Jharkhand High Court, Ranchi
Dated, the 23rd June, 2026

Ravi-Chandan/- NAFR
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