

SUPREME COURT OF INDIA
Bench: JUSTICE S. RAVINDRA BHAT and JUSTICE ARAVIND KUMAR
Date of Decision: 22nd SEPTEMBER 2023

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2960/2023

(@Petition for Special Leave to Appeal (Crl.) No.5073/2023)

YASHEED @ RASHEED
Appellant(s)
VERSUS
THE STATE OF RAJASTHAN
Respondent(s)
Section, Acts, Rules, and Article:

Section 376D of the Indian Penal Code (IPC)

Section 164 of the Code of Criminal Procedure, 1973

Subject: Suspension of Sentence in a case involving Section 376D IPC

Headnotes:

Criminal Appeal – Suspension of Sentence – Appellant aggrieved by the High Court’s refusal to suspend his sentence – Appellant and juvenile co-accused alleged to have committed an offence under Section 376D of the Indian Penal Code (IPC) – Victim initially went voluntarily with the accused – Sentence of the appellant suspended, and he is granted bail subject to terms and conditions imposed by the Trial Court, including reporting to the concerned Police Station on a weekly basis. [Para 2-6]

Referred Cases: None.

ORDER

Leave granted.

2. The appellant is aggrieved by the High Court’s refusal to suspend his sentence.

3. He along with a juvenile co-accused is alleged to have committed an offence under Section 376D of the Indian Penal Code (IPC).
4. During the trial what emerged was that the victim, a major apparently went of her own volition with both the accused and was restored back a week later. In the initial statement, she did not allege rape; however, four days later, she did so in the statement recorded under Section 164 of the Code of Criminal Procedure, 1973. The Trial Court's findings are also to the effect that the victim went voluntarily with the accused persons.
5. Having regard to all these circumstances, the Court is of the opinion that the sentence of the present appellant should be suspended and he be released on bail, subject to such terms and conditions as the Trial Court may impose. One such condition shall be the requirement of his having to report on a weekly basis to the concerned Police Station.
6. The appeal is allowed in the above-terms.
7. The High Court is requested to expedite the appeal; the observations made in this order shall not be considered as a reflection on the merits of the case.

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