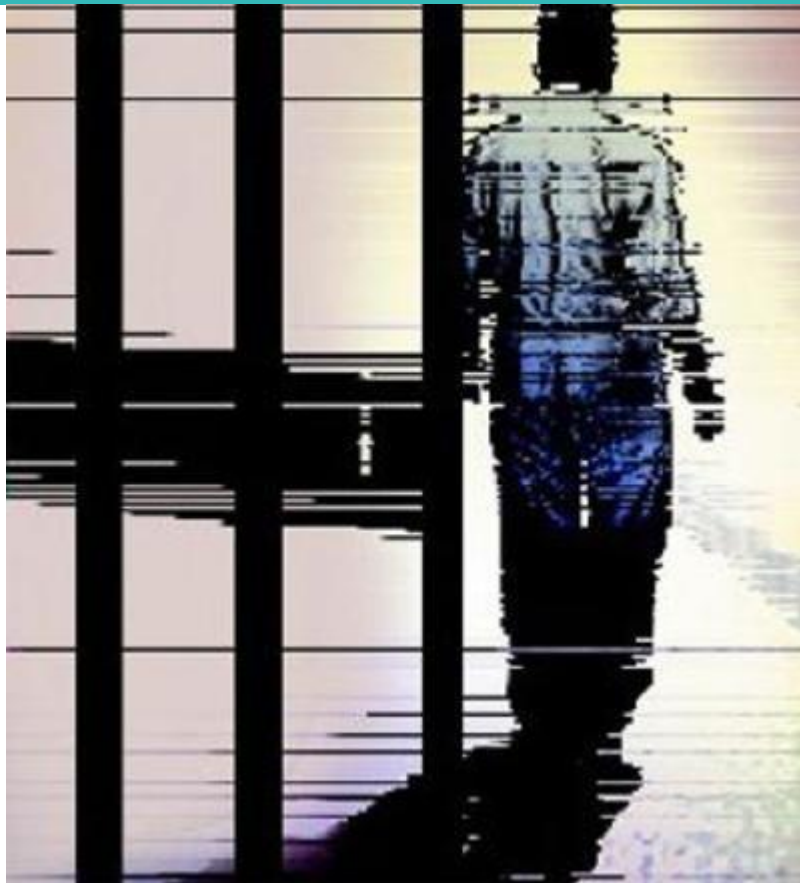


Court acquits Amity rape accused, says evidence cooked up

Sana Shakil | TNN | Updated: Mar 6, 2015, 01:32 IST



NEW DELHI: Accusing the police of fabricating evidence in a sensational 2012 'rape' case, a trial court has acquitted two youths, including a student of Amity University, who were accused of gang-raping another student of the university.

The court pulled up Delhi Police and the investigating officer (IO) for carrying out a biased probe, cooking up evidence and hiding crucial

information in the case which proved the innocence of the accused.

The judge urged the police chief to frame guidelines making it mandatory for IOs to bring to the notice of the accused all evidence in a case, including those that favour the accused.

"She (the IO) has betrayed the trust reposed by the public upon a police official. The aim of the police officer should be to collect evidence and not to create it...(She) committed breach of professional standards by ignoring, disregarding and withholding material evidence which pointed to the innocence of the accused," the court noted while delivering the verdict last week.

According to the police, the alleged incident took place in the afternoon of June 14, 2012. Amity student Prashant called the woman, who was his batchmate, to Vasant Vihar to watch a movie. He was accused of giving her an alcoholic drink, driving her to a secluded place in Paschim Vihar in his Honda City car, calling his friend Milind to the spot and gang-raping her.

'BIASED PROBE'

▶ Court says probe biased; **facts proving the accused's innocence suppressed**

▶ **Accused can claim compensation** from the woman and her family as they spent 14 months in jail

▶ Guidelines to be framed requiring IOs to **share all evidence with accused**

Freeing the duo, additional sessions judge Virender Bhat also suggested that they seek compensation from the woman and her parents because their lives and careers being jeopardized because of the "false" case.

"This court regrets to note that the two accused, young boys in their early twenties, had to face trial for a crime they had not committed. They had to suffer incarceration for more than one year and undergo rigors of a criminal trial for about two years. Their educational as well as professional career has been jeopardized apart from the humiliation and ridicule faced by them," the judge said.

Advocate Prashant Mendiretta, counsel for the accused, said his clients were relieved with the verdict and intended to seek damages.

The court said that all evidence, including forensic reports contradicted the theory of rape and anal intercourse, as alleged by the woman. It said medical evidence contradicted the rape claim while phone records, too, showed the woman was getting calls from her family when she was allegedly being gang-raped.

The court held that woman's parents pushed her into implicating the accused as they didn't like their daughter getting drunk with Prashant on the day of the alleged incident. It rejected police's story that Prashant and the woman were just classmates and said they were probably in love.

It also dismissed the prosecution's claim that the woman had no prior plans to meet Prashant on the day of the 'incident', adding that the meeting was planned and the woman wanted to spend "some quality time with him".

During the trial, the woman had failed to identify the place of alleged rape.

"The conduct of the accused in dropping the woman near a police barricade and that they even spoke to two cops there is indicative of the fact...that they had not committed any crime," the court said, adding that police cleverly chose not to list these cops as prosecution witnesses in the case whereas those two could have proved to be material witnesses in the case.

The court also rejected the prosecution's claim that the woman was so traumatized that she initially did not report the rape but only spoke about assault. Relying on hospital records and other evidence, court said the woman was in her senses when she was examined on June 15, 2012, a day after the alleged incident. The court also observed that it appeared that the woman, after the incident, faked psychiatric disorders and was therefore referred a senior psychiatrist at AIIMS. The woman spoke about being gang-raped by the duo only on June 28, 2012, 14 days after the incident.

Acquitting Milind, the court said call records and testimonies of various witnesses established that he was not with Prashant and the woman when the alleged incident took place. Milind met them only after Prashant called him to help drop the woman safely as she was drunk, the court said.

The duo dropped the woman at Vasant Vihar and asked her parents to take her home as she was heavily drunk, the court said.

<https://timesofindia.indiatimes.com/city/delhi/Court-acquits-Amity-rape-accused-says-evidence-cooked-up/articleshow/46472326.cms>