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COURT NOTICE TO WOMAN FOR FALSE RAPE COMPLAINT

Court notice to woman for false rape complaint

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New Delhi: A fast-track court issued a notice to an alleged rape survivor, asking her why she should not be punished for having lied about being sexually assaulted. After going through the CCTV footage of the incident, the court concluded on Friday that the sexual act between her and the accused was consensual. For judge Anu Grover Baliga, the footage from CCTV cameras at the alleged crime scene was the deciding factor. "The prosecutrix is seen in the DVD to be hugging and kissing the accused and disrobing herself," the judge observed. "The images make it apparent that there was consensual physical intercourse between the accused and prosecutrix."

The judge said, "The scientific evidence makes it patently apparent that the prosecutrix has falsely alleged the accused of raping her." While acquitting the accused, a New Delhi resident, the court also opined that the woman "should be punished" for having given false evidence.

According to the woman, soon after getting divorced in 2007, she got in touch with a man on a matrimonial portal. She leased a flat for herself and her daughter under the accused's name. On March 19, 2013, she received a notice from the landlord asking her to vacate the house. Since the rent agreement was in the accused's name, she went to his office-cum-residence, where, she alleged, the man offered

her coffee. She fell unconscious after drinking it, and on gaining consciousness, she found herself lying half-naked on the carpet with a tissue paper in her genitals.

The man contested the woman's allegations saying he had maintained physical relations with her since 2007 and paid her Rs 15,000- Rs 20,000 to meet monthly expenses. He did not want to marry her as she “wasn’t very educated”. He told the court that when the woman did come to his office-cum-residence, he was very angry to find she had forged his signatures on the lease documents. He called his lawyer, who advised him against giving her any assistance.

The man also testified that during that meeting, the woman started fondling him and this led to sex. Later, when he came out of the toilet, he discovered she had left with some money from his wallet. He had filed an FIR against her in connection with the forgery.

The man argued that having realised he was not going help her, the woman wanted revenge. The defence pointed out that footage from the CCTV camera in the room clearly proved the woman “seduced the man into making love” and took care to “preserve the evidence” of the act — the tissue paper with which she cleaned her genitals.

The court found the CCTV footage and forensic report on the coffee found in the room negating all the contentions of the woman. “This court does agree ... that action should be taken against the prosecutrix for having given false evidence regarding the incident of rape,” the verdict held.

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