



## **False rape allegation can cause equal damage to accused: HC**

New Delhi, Mar 3, 2013 (PTI)

**False allegation of rape can cause the same humiliation and distress to an accused which a rape victim undergoes, the Delhi High Court has said and highlighted the need to guard against such implication.**

"It is true that rape causes the greatest distress and humiliation to the victim but at the same time a false allegation of rape can cause equal distress, humiliation and damage to the accused as well. The accused must also be protected against the possibility of false implication," Justice S P Garg said while letting off a man accused of rape.

Allowing the plea of Surender Kumar, sentenced to seven- year imprisonment by a trial court for allegedly raping his sister-in-law, the court said, "In the present case, the story projected by the prosecutrix is so improbable that it cannot be believed." The judge took note of the fact that the woman had taken 42 days in lodging the FIR against Kumar and also did not get herself medically examined.

"The prosecutrix did not give plausible explanation for not lodging the report with police promptly," the court said.

The judge also set aside the trial court's order convicting the woman's husband Ganga Sharan on the charge of criminal intimidation.

"I am of the considered view that the prosecution was unable to prove the guilt of the appellants (Sharan and Kumar) beyond reasonable doubt. The appellants deserve benefit of doubt. Conviction and sentence of the appellants are set aside. The appeal is allowed and the appellants are acquitted," the court said.

According to the prosecution, the woman got married to Sharan in 1993 but due to

differences she had a strained relationship with him and her in-laws.

She had alleged that when she was alone in her house, her brother-in-law had raped her on January 5, 2000 after which both her husband and Kumar had threatened her.

On May 26, 2001, the trial court had acquitted her husband from the charges of rape but convicted him for the charge of criminal intimidation. The lower court, however, had given seven-year jail to Kumar for the charge of rape under Section 376 of IPC.

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