

No mercy for girl who feigned rape

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By OUR LEGAL CORRESPONDENT in Delhi

Published 12.07.08

New Delhi, July 12: Lying about rape has boomeranged on a girl for taking the law for a ride.

The Supreme Court has refused to grant relief to the girl, who was jailed for three months by a Madhya Pradesh court for falsely accusing two men of raping her.

Mahila Vinod Kumar had filed an FIR in January 1993, saying the two had waylaid and raped her. She said she told her father and uncle about the assault and then lodged the first information report.

The accused were arrested and chargesheeted but, during the trial, the girl went back on her statement and claimed she hadn't been raped. She even denied filing the FIR.

The trial court acquitted the two men on November 28, 2001, but ordered action against the girl for giving false evidence.

She was showcaused and a case was registered against her. The girl defended herself saying she was illiterate and had made a mistake. But the trial court sentenced her to three months in jail.

She then moved the high court and again took the stand that she was illiterate, didn't understand law and that the particulars of the offence had not been explained to her.

The high court went through the case records and found that in her reply to the show-cause notice she had admitted that she had lied all through.

The court also found untenable her stand that the particulars of the offence were not explained to her, and dismissed her appeal.

The girl then appealed in the apex court.

Her counsel said her mother and uncle forced her to file a false report, although the FIR and the statement recorded by police clearly said she had been raped.

In its ruling, the apex court said it was a “settled position in law” that so far as sexual offences were concerned, “sanctity is attached” to a victim’s statement. “This court has, in several cases, held that the evidence of the prosecutrix alone is sufficient for the purpose of conviction if it is found to be reliable, cogent and credible.”

But in the “present case”, on the basis of the allegations made by the petitioner, two persons were arrested and had to face “trial and suffered the ignominy” of being involved in a serious offence like rape.

“Their acquittal may, to a certain extent, have washed away the stigma, but that is not enough,” the court said.

The court said the “evil of perjury” had assumed alarming proportions and action must be taken against the girl for maliciously setting the law in motion.

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