

HC upholds conviction of 9 gang-rape accused in atrocities case

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Raipur: The Chhattisgarh High Court upheld the conviction and sentences of nine accused in a gang rape case from Balodabazar-Bhatapara district.

A division bench of Chief Justice Ramesh Sinha and Justice Bibhu Datta Guru dismissed four criminal appeals filed by the accused, affirming the decision of the Special Judge (Atrocities) Balodabazar. The court observed, "Where a victim is raped by one or more persons

forming a group or acting in furtherance of a common intention, each member of such group shall be deemed to have committed the offence of rape, in accordance with the principles of joint liability and common intention as defined under the applicable laws."

The court confirmed that both victims were below 18 years of age at the time of the incident and belonged to the Scheduled Caste community, as stated in their depositions. The court observed that the victims concealed



the incident for two months due to death threats, which deeply impacted them.

The case, registered as Special Case (Atrocities), involves the gang rape of two minor victims in May 2020. The high court noted that the appeals, filed under Section 374(2) of the CrPC, were heard together and disposed of by a common judgment.

According to the prosecution, the incident took place

on the night of 30 May 2020. The victims received a call from one of the accused, who, along with another accused, forced them onto a motorcycle and took them to a house in a village.

They were later taken to a cremation ground. While returning, their motorcycle was intercepted near the gate by six other accused, along with two juvenile delinquents.

The accused forcibly pulled the victims off the motorcycle and gang-raped them. One of the accused recorded

a video of the act on his mobile. The accused threatened the victims with death and viral dissemination of the video if they reported the incident. Due to fear, the girls initially didn't speak out.

Later, an accused obtained the video and began harassing the victims and their father, demanding sexual favours and threatening to circulate the video. On 28 July 2020, this accused issued an ultimatum to the victims, prompting them to finally disclose the incident to their parents.

The judgment cited established legal principles regarding the testimony of sexual assault victims, emphasising that their evidence is entitled to great weight and does not always require corroboration, particularly in a society where victims are often reluctant to report such crimes.

Three of the appellants, who were on bail, had their bail bonds cancelled and sureties discharged. They were directed to surrender to the trial court immediately to serve their sentences.