

BHANU VALVE

v.

STATE

(Special Leave Petition (Criminal) No. 3192 of 2011)

APRIL 18, 2011

[MARKANDEY KATJU AND GYAN SUDHA MISRA, JJ.]

Penal Code, 1860 – s. 376 – Accused raped his own daughter regularly for five years after his wife left him, and fathered a child from his daughter – Conviction by courts below – On appeal, held: There is no reason to disbelieve the evidence of the daughter as also the courts below – The act of the accused was most barbaric and heinous, and cannot be condoned by any means – Thus, order passed by the courts below upheld.

CRIMINAL APPELLATE JURISDICTION : SLP (Criminal) No. 3192 of 2011.

From the Judgment and Order dated 27.07.2010 of the High Court of Bombay at Goa in Criminal Appeal No. 48 of 2009.

Garvesh Kabra for the Petitioner.

The following order of the Court was delivered

O R D E R

Heard learned counsel for the petitioner.

Delay condoned.

This petition has been filed against the impugned judgment of the Bombay High Court dated 27.07.2010 by which the High Court has upheld the conviction of the petitioner by the trial court.

A The facts in detail have been set out in the impugned judgment, and hence we are not repeating the same here. The High Court and the trial court have discussed the evidence in great detail, and we entirely agree with the view they have taken.

B This is one of the most barbaric and heinous cases we have come across in our judicial career. The petitioner has been found guilty of raping his own daughter regularly for five years after his wife left him, and has produced a child from her. This kind of unheard behaviour cannot be condoned by any means. The daughter-PW-1 (prosecutrix) has given her evidence in this case, and we see no reason to disbelieve her.

C

The special leave petition is dismissed accordingly.

N.J. Special Leave Petition dismissed.