

**In the court of District & Additional Sessions Judge-I, Khunti**

Present:-

**Rajesh Kumar No. 1,**

**District & Addl. Sessions Judge-I**

**cum-special judge crime against woman**

**Khunti**

**CIS No. JHKH010008442018**

**Khunti, dated 07<sup>th</sup> the day of May 2019**

**Session Trial Case No.199/2018**

State through victim herself-----Prosecution

Versus

1. Fr. Alphonse Aind S/o Nuwas Aind, R/o village Lapa, PS-Karra, Dist-Khunti
2. Baji Samad @ Takla S/o late Sukhram Samad, R/o village Ludubera, PS-Kuchai, Dist- Saraikela Kharsawan
3. Ajub Sandi Purti S/o Markas Sandi Purti, R/o village Laduli, PS-Bandgaon, Dist-West Singhbhum
4. Junas Munda @ Junas Mundu S/o Masidas Mundu R/o village Hatnada, PS-Bandgaon, Dist- West Singhbhum
5. John Junas Tiru S/o late Anidryas Tiru, R/o village Kurung, PS-Arki, Dist-Khunti
6. Balram Samad S/o late Thakur Samad, R/o village Kurung, PS-Arki, Dist-Khunti.....Accused persons.

For the Prosecution:- Sri Sushil Kumar Jaiswal, Ld. Public Prosecutor I/c.

For the accused Fr. Alphonse Aind:- Sri S. Surin, Sri J.Sanga & Sri D. Guria, Ld. Advocates

For the accused Junas Mundu:- Sri R.K. Jaiswal, Ld. Advocates,

For the accused Baji Samad @ Takala & Ajub Sandi Purti: Sri M.M Ram, Ld. Advocate

For the accused John Junas Tiru and Balram Samad:- Sri S.K. Parajapati & Sri Ganesh Kumar, Ld. Advocates.

## J U D G M E N T

*“To call woman the weaker sex is a libel, it is man’s injustice to woman if by strength is meant brute strength then intended, is woman less brute than man. If by strength is meant moral power then women is immeasurably man’s superior. Has she not greater intuition, is she not more self sacrificing has she not greater powers of endurance has she not greater courage ? Without her man could not be. If non violence is the law of our being the future is with women . Who can make a more effective appeal to the heart than woman” ?*

**:-Mahatma Gandhi**

1. The hot summer day of Khunti on 19<sup>th</sup> June 2018 could not have been remotely planted the feelings in the five young ladies, who had gone with their male associates to perform a Nukkar-Natak(street play) with a motive to spread awareness among the poor illiterate villagers against the evils of **“Human Trafficking”**, which is a very prevalent social evil in the remote villages of Khunti District, specially in the Kochang area of this District, that in the next few hours, the bright and hot day that was gradually stripling in would bring with it the devastating hours of darkness when they went to Kochang church school alongwith their male associates on request of their associate partner i.e. Asha-kiran institute, who hired them to perform a street play. The victims possibly could not have imagined that they would be abducted under conspiracy of the accused persons, facing trial in this case and be a prey to the savage lust of a gang of accused persons, face bruter assault and become a playful things that would be tossed around at their wild whim and insertion of wooden rod in their private parts taking their nude snaps and shooting of video of commission of rape, assaulting male victims brutally, compelled them to drink urine and lic their spit are sufficient to give vent to their pervert sexual appetite unthinkable and sadistic pleasure. The attitude,

perception the bestial proclivity, inconceivable self obsession and individual centralism of accused persons, made all the young five ladies and their male associates to suffer immense trauma, which although not be informed to the police under the threat of accused persons, but ultimately the truth come out and merged by way of institution of this case.

2 This case was arising out of Khunti Mahila P.S. Case No. 03/18 corresponding to G.R. case No.229/18 U/s 341/342/323/354(B)/376(D)/363/365/110/114/120B I.P.C & u/s 67/67A IT Act which was committed on 11.09.18 by C.J.M, Khunti

2. In this case, trial as such has been started against altogether seven accused person out of them accused **Fr. Alphonse Aind, John Junas Tiru and Balram Samad** had faced trial for the conspiracy of offence u/s 323,341,342,363,365,354(B),376(D), 109 & 111 IPC read with section 120B IPC alongwith offences u/s 67/ 67A IT Act 2000, whereas the rest four accused persons namely **Ajub Sandi Purti @ Gaw, Baji Samad @ Takla, Junas Mundu @ Junas Munda and Ashish Lomga** had faced the trial for the commission of offence u/s 323,341,342 354(B), 363,365 376(D) IPC read with section 34 IPC alongwith offence u/s 67/67A IT Act.

3. This is an unique case, in which the accused persons are facing trial for commission other offence alongwith offence of **Gang Rape** which has been alleged to be committed with five female victims. Thus in light of provision u/s 228(A) IPC and the judgement as such passed in case in **Nipun Sexsena & Ors v. Union of India passed in W.P.C No.565 of 2012 SC**, in order to conceal the name and credentials of all the female victims, it is worth to indicate the victims hereafter in the entire judgement as victim No.1 to victim No.5 respectively according to their position in seriatim of prosecution witnesses vide Pw-1 to Pw-5. Meaning thereby victim no.1 connotes Pw-1, victim no.2 connotes Pw-2 and so on.

4. In light of aforesaid back grounds, brief facts of this case is based upon fardbeyan of informant/prosecutrix hereinafter denominated as victim no.5(Pw-5), which was recorded by SI Meera Singh, officer-in-charge of Mahila PS Khunti on 21.06.18 at about 20 hours at Sadar Hospital, Khunti. In her fardbeyan informant has stated that she is working as an actor of a Nukkar-Natak team. That on 19.06.18 upon the invitation of Asha Kiran Sansthan for performing Nukkar-Natak, she alongwith victim no.1, victim no.4, Sanjay Kumar Sharma(Pw8), Jagarnath Mahto(Pw6) and Harilal Mahto(Pw7), all being members of Nukkar-Natak team, alongwith two sisters of Asha-Kiran Sansthan namely Sister Ranjeeta & sister Vinita alongwith two other ladies workers of Asha-Kiran namely victim no.2 and victim no.3 alongwith a male namely Santosh Hembrom(Pw-9), driver of Asha-Kiran Institute, altogether 11 persons had proceeded from Khunti to **Kochang Bazar Tand**, through an Alto Car No. JH01Y-3166 & Bolero Ambulance no. JH01BS-6496; via Murhu-Bandgaon and reached at Kochang Bajar-Tand, about 11:30 AM where their programme for Nukkar-Natak was pre-scheduled. There soon after reaching, they started the programme of Nukkar-Natak. Since the crowd was very low, so the programme was commence for short period. However meanwhile both the sisters of Asha-Kiran, had gone to the school running by R.C. Church. After some time, their driver came back there at Kochang Bazar-Tand, and told them that “you people come to school and there also you have to perform a Nukkar-Natak programme”. Then on that issue she alongwith other members of Nukkar Team had objected to go there and told that since it was fixed to commence a Nukkar-Natak programme only at Bajar-Tand, then why they will go to school ? Then the said driver insisted them and under his pressure they(Nukkar Team) went to said school. There at school, both the sisters had told them that since there is a crowd at school, so you people have to perform your programme and thereafter both the sisters were engaged in talking with Father of that school. Informant has further categorically revealed in her farbeyan that they could not

understand, why Father and sisters wish to organize the Nukkar-Natak programme at school, whereas the same was not pre-scheduled. Although programme was started, meanwhile, she saw, four boys on two motorcycles came there at school near Father Alphonse and had talked a while with him. Informant has further revealed that since one boy among those, had hold a pistol on his waist, so they all became afraid. Thereafter Father had told them that they( those boys) will take away you people for two hours and thereafter they(boys) will bring you back. Then they(victims) told him that since they came with sisters, so they will go only with them. Then one sister Ranjeeta became agreed to go with them, but **'Father'** had stopped her and told them(victims) to go only with those miscreants. Even then the victims had pathetically requested to Father not to send them with those boys(miscreants). Informant has further revealed that thereafter those boys(miscreants) had snatched keys of their vehicles and one miscreants out of them had compelled her to sit alone in the Alto car with him whereas all other victims were compelled to sit in Ambulanc. Both the vehicles were driven by the miscreants and they had taken them through those vehicles inside the deep forest towards Chhotauli village. She had seen one miscreants out of them had followed their vehicle through motorcycles but later on he also had one pillion rider on his motorcycle. Informant has further stated that after a long distance they reached at a lonely place through chhotauli road and parked their vehicles at a very lonely place. Then at that place three accused persons out of them had forcibly dragged all the five female victims from vehicle and had taken away them towards the deep forest. There they on the point of pistol, had compelled all the five female victims to be nude and to lay on earth in such a nude position. Thereafter they started taking photos of their nude body and also made obscene Videos . Informant has categorically stated that out of those three miscreants, one was watching the others whereas two miscreants were committing rape with two victims. She had particularly stated that all the three miscreants had committed rape with each one of the victims one by one. Informant had

categorically revealed that they had not only committed rape with the victims but had also committed torture upon them. They also abused them and inserted a wooden rod in their private parts. When they(victims) cried, due to pain, the accused persons laughed and they played with their nude bodis. Informant has further stated that after committing such rape and tortures with all the victims, those miscreants brought them back near the vehicles where all their male associates had been kept confined under watch of two miscreants on the point of gun. After coming back near the vehicle, those three miscreants, who had committed rape with them(female victims), had started assaulting all the male associates of Nukkar team, by lathi and had also compelled them to drink their own urine.

Informant has further revealed the fact that at the time when they were being taken away for rape the accused persons were saying them that “you people were circulating pumplets for Pathalgarhi and helping man of ‘Dikus’ language and you people are the agent of police, so it became essential to teach a lesson to you people. So that in future, no institution may come and propagate the agenda of police administration in this area, otherwise they have to face consequences of more ugly in nature.” They had also categorically stated them that “this very incident is just a start”.

Informant has further stated that after the aforesaid occurrence all the victims were brought back to church school before Father and sisters, through the same vehicles at about 17:45 ‘O’ clock. There they (Father and sisters) had convinced them to not disclose the incident to anyone otherwise their(victims) family members may be killed. Thereafter all the victims came back to their home.

Informant has further stated that on next day when they went to Asha-Kiran institute then there those sisters & one another Father came and again convinced them not to disclose about the occurrence otherwise your family may be in danger. However the said institution had not even

bothered to ensure their treatment. However after sometimes, police traced them and had taken away her alongwith other victims to Sadar Hospital, Khunti for their treatment and after that she has given her statement before the police. Informant has further stated that as all the five accused persons were aged about in between 22-30 yrs old, so she may identify all of them after seeing them. She further disclosed that one of the accused who had committed rape with them had a motorcycle without silencer whereas another motorcycle was of red-black coloured 'Passion'. The informant has categorically claimed in her fardbeyan that father Alphonse of Kochang church under conspiracy with local criminals had committed offence of kidnapping, abuses, assault and also ensured offence of rape against them.

The fardbeyan of informant/victim no.5 was not only signed by informant victim no.1 but other four female victims(victim no.1 to victim no.4) have also put their signatures upon her fardbeyan. Hence this case has been registered.

5. On the basis of aforesaid furdbeyan, Khunti Mahila PS case no.03/18 dated 21.06.18 for the offence u/s 341/342/323/354(B)/376(D)/363/365/110/114/120B I.P.C & u/s 67/67A IT Act has been registered against the accused Fr. Alphonse Aind and five other unknown criminal/supporters of Pathalgarhi and investigation of the case has been handed over to Police Inspector Prameshwar Prasad, who after completion of investigation, had submitted charge-sheet no.04/18 dated 20.08.18 for the offence u/s 341/342/323/325/354(B),376(D),363,365,110, 114 read with section 120B IPC & u/s 67/67A IT Act against the accused persons namely Fr. Alphonse Aind, Ajub Sandi Purti @ Gaw, Ashis Lomga, Baji Samad @ Takla @ Raj Singh Samad, @ Atwa, Junas Munda @ Junas Mundu @ Mama, John Junas Tiru @ St. Junas Tiru and Balram Samad in the court of C.J.M, Khunti, who after taken cognizance for the aforesaid offences, case was committed to the court of sessions vide order dated 11.09.18.