

Testimony Of The Prosecutrix

see also : [Prosecutrix Evidence, Sexual Assault, Sexual Assault - Corroboration](#)

- (i) Evidence of a prosecutrix in a case of sexual assault 'need not be tested with the same amount of suspicion as that of an accomplice.'
- (ii) Her evidence must receive the same weight as is attached to an injured in cases of physical violence.
- (iii) Degree of proof required to be met by prosecutrix evidence is no more than that required of an injured witness.
- (iv) The same degree of care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more.
- (v) The court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of the charge levelled by her.

[State of Maharashtra v. Chandraprakash Kewalchand Jain, \(1990\) 1 SCC 550](#)

- (vi) Even in a case where it is shown that the girl is a girl of easy virtue or a girl habituated to sexual intercourse, it may not be a ground to absolve the accused from the charge of rape. It has to be established that there was consent by her for that particular occasion

[State of U.P. vs. Pappu 2004 Supp\(6\) SCR 585](#)

- (vii) Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case.

[State of Punjab v. Gurmit Singh, \(1996\) 2 SCC 384, 1996 AIR 1393,](#)

- (ix) The contradictions, inconsistencies and discrepancies pointed out are immaterial if none of those contradictions goes to the root of the case. For example, High Court has considered the discrepancies in her statement as to whether she was going to get her chappal repaired or was easing herself and came to the conclusion that such contradictions had no material bearing on the prosecution's case as "the fact remains that at that time she was going through that area.

[Vijay @ Chinee Vs State of Madhya Pradesh. JT 2010 \(7\) SC 576, 2010 \(7\) SCALE 502](#)

- (x) Evidence of Prosecutrix does not require corroboration from any other evidence including the evidence of a doctor. In a given case even if the doctor who examined the victim does not find sign of rape, it is no ground to disbelieve the sole testimony of the

prosecutrix.

[Moti Lal v. State of M.P., \(2008\) 11 SCC 20](#)

(xi) The fact that no marks of injuries were found either on the person of the accused or the person of the prosecutrix, does not lead to any inference that the accused has not committed forcible sexual intercourse on the prosecutrix. Though the report of the gynaecologist pertaining to the medical examination of the prosecutrix does not disclose any evidence of sexual intercourse, yet even in the absence of any corroboration of medical evidence, the oral testimony of the prosecutrix, which is found to be cogent, reliable, convincing and trustworthy has to be accepted.

[B. C. Deva @ Dyava v. State of Karnataka, \(2007\) 12 SCC 122](#)

(xii) The delay in filing FIR for sexual offence may not be even properly explained, but if found natural, the accused cannot be given any benefit thereof

[State of Punjab v. Gurmit Singh, \(1996\) 2 SCC 384](#)

(xiii) While suggestions put in the cross-examination cannot be used to fill in the lacuna in the evidence of the prosecution, the suggestions given by the defense, however, can be used to lend assurance to the prosecution case

[Rakesh Kumar alias Babli v. State of Haryana AIR 1987 SC 690](#) and **[Radhesham s/o Govardhan Bhagat vs. The State of Maharashtra 2000 ALL MR \(Cri.\) 52](#).**