



2026:DHC:7117



IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Reserved on: 18.08.2026

Judgment pronounced on: 25.08.2026

CNR No. DLHC010539792025

+ **CRL.A. 1099/2025**

SATBIR SINGH RATTI

.....Appellant

Through: Mr. Arhum Sayeed, Mr. Rahil Ahmed
and Mr. Alizaah Rais, Advocates
(DHCLSC).

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for the State.
Mr. Sarthak Mudgil and Mr. Bhairabi
Das, Advocates for complainant.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. In this appeal under Section 415 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (the BNSS), the sole accused in
Sessions Case No. 150/2018 on the file of the Additional Sessions
Judge (SC-RC), West District, Delhi, assails the judgment dated
29.11.2024 and order on sentence dated 24.03.2025 as per which



he has been convicted and sentenced for the offences punishable under Sections 376(2)(n), 384 and Part II of Section 506 of the Indian Penal Code, 1860 (the IPC).

2. The prosecution case is that in June 2015, the accused came in contact with PW1 through a matrimonial website and entered into a long-distance relationship with her. During the course of the relationship, PW1 shared private photographs with the accused which was used by the accused to blackmail and extort money from her by threatening to circulate them among her family members. During the period from 23.01.2017 to 25.01.2017, under the aforesaid threat, the accused repeatedly raped PW1 at Hotel Radisson, Paschim Vihar, Delhi. He also threatened to have her raped by his friends and to kill her, her father and brother. As per the chargesheet/ final report, the accused is alleged to have committed the offences punishable under Sections 376 and 506 IPC.

3. On the basis of Ext. PW1/A FIS/FIR of PW1 given on



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18.12.2017, Crime No. 495/2017, Mianwali Nagar Police Station, that is, Ext. A1 FIR was registered by the then Duty Officer, Head Constable Premvir Singh (Charge Witness No. 7). PW11, Assistant Sub-Inspector, conducted investigation into the crime and on completion of the same, filed the chargesheet/final report alleging commission of the offences punishable under the aforementioned Sections.

4. When the accused was produced before the trial court, all the copies of the prosecution records were furnished to him, as contemplated under Section 207 Cr.P.C. After hearing both sides, the trial court, *vide* order dated 02.11.2018, framed a Charge under Sections 376(2)(n), 384 and 506 IPC, which was read over and explained to the accused to which he pleaded not guilty.

5. On behalf of the prosecution, PWs 1 to 12 were examined and Exts. A1, A2, A4, A5, A6, X7, PW1/A-C, PW1/D1, PW1/E-F, PW3/A, PW4/P1, PW5/A-D, PW6/D2, PW6/P1, PW7/A, PW8/A-H, PW9/A-H, PW11/A-U and PW12/A-D were



marked in support of the case.

6. After the close of the prosecution evidence, the accused was questioned under Section 313(1)(b) Cr.PC. regarding the incriminating circumstances appearing against him in the evidence of the prosecution. The accused denied all those circumstances and maintained his innocence. He submitted that the present case has been registered against him on the basis of a false and frivolous complaint in connivance with the police officials of Paschim Vihar West police station (erstwhile Mianwali Nagar police station). On 17.12.2017, while he was in Mianwali Nagar police station, the father and brother (PW2) of PW1 demanded ₹30,00,000/- from him and threatened to implicate him if the amount was not paid. The incident was recorded on video by a person present at the police station. According to the accused, as he was unable to pay the amount, he has been falsely implicated in the present case. He lent ₹1,36,000/- in cash to PW1 and, when the latter failed to return the amount, her family members threatened him and his



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father (PW4) with dire consequences. He denied having raped or tortured PW1 in the manner alleged by her.

7. After questioning the accused under Section 313(1)(b) Cr.P.C., compliance of Section 232 Cr.P.C. was mandatory. In the case on hand, no hearing as contemplated under Section 232 Cr.P.C. is seen done by the trial court. However, non-compliance of the said provision does not, *ipso facto* vitiate the proceedings, unless omission to comply with the same is shown to have resulted in serious and substantial prejudice to the accused (See **Moidu K. vs. State of Kerala, 2009 (3) KHC 89 : 2009 SCC OnLine Ker 2888**). Here, the accused has no case that non-compliance of Section 232 Cr.P.C. has caused any prejudice to him.

8. The accused offered himself as a witness and hence he was examined as DW1.

9. On consideration of the oral and documentary evidence and after hearing both sides, the trial court, *vide* the impugned judgment, convicted the accused of the offences punishable under



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Sections 376(2)(n), 384 and 506 Part II IPC. The appellant/accused has been sentenced to undergo rigorous imprisonment for a term of 10 years along with fine of ₹3,13,595/- and in default of payment of the fine, to simple imprisonment for a period of 2 years for the offence punishable under Section 376(2)(n) IPC; to rigorous imprisonment for 2 years and a fine of ₹50,000/- and in default of payment of fine, to simple imprisonment for a period of 6 months for the offence punishable under Section 384 IPC; and to rigorous imprisonment for 5 years and fine of ₹1,00,000/- and in default of payment of fine, to simple imprisonment for a period of one year for the offence punishable under Section 506 Part II IPC. The sentences have been directed to run concurrently. Aggrieved, the accused has come up in appeal.

10. It was submitted by the learned counsel for the appellant/accused that the allegation of rape is an afterthought, since the initial PCR call only referred to blackmail by a person present at Hotel Radisson and did not contain any allegation of



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rape. It was submitted that the accused admitted being at the hotel in Delhi from 23.01.2017 to 25.01.2017. He had gone there to meet PW1 and her family. Apart from admitting being in Delhi during the aforesaid period for the said limited purpose, he denied all the other allegations. There is no documentary or independent evidence to show that PW1 had visited the accused at Hotel Radisson or entered his room during the aforesaid period. Regarding the incident of alleged rape on 29.09.2017, it was submitted that the accused was never in Delhi on that date and he relied on Ext. PW8/A reply given by PW8 to the notice under Section 91 Cr.P.C. given by PW11, the IO as well as Ext. PW8/E the registration cards and identity documents relating to the accused's hotel visits.

10.1. It was submitted that the testimony of PW1 suffers from material inconsistencies and omissions. PW1 in her cross-examination could not recall several material particulars of the incidents, including the room number, floor number, or how she



reached the room. Further, there is inconsistency regarding the date of the second incident as PW1 deposed that she was confused about the month despite earlier referring to it as 29.09.2017.

10.2. It was submitted that the prosecution relied upon a transcript prepared from the call recordings available on PW1's mobile phone, which had been recorded through call-recording software. However, no voice samples of either the accused or PW1 were obtained, and no voice-comparison examination was conducted to establish that the voice in the recording was that of the accused. It was further argued that the prosecution had not established that the calls reflected in the transcript were actually calls between the accused's mobile number and PW1's mobile number.

10.3. It was further submitted that the prosecution has failed to establish the essential ingredients of rape as defined under Section 375 IPC. The element of penetration, which is an essential ingredient of the offence of rape, has not been established through



clear and reliable evidence. There is nothing incriminating against the accused in Ext. PW1/B MLC of PW1 and Ext. PW7/A FSL Report.

10.4. The learned counsel for the appellant also submitted that PW1 and her family, along with PW11, the IO, have fabricated a false case against him for extorting money from him. PW1's father had demanded ₹5,00,000/- from the accused to withdraw the case. Lastly, it was submitted that the prosecution has failed to establish the offences charged against the accused beyond reasonable doubt and hence he be given the benefit of doubt. Reliance was placed on the dictums in **Anil Markende & Ors. vs. State of Chhattisgarh, 2026 CGHC 25610**; judgment dated 17.10.2025 of this Court in **Rahul @ Bhupinder Verma vs. State (NCT of Delhi)**; and judgment dated 21.01.2025 of the Apex Court in **SLP(Crl.) No. 1889/2024 (Nitin B. Nikhare vs. The State of Maharashtra)** in support of the arguments.

11. *Per Contra*, the learned Additional Public Prosecutor



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submitted that PW1 has remained consistent and cogent in her FIS/FIR, 164 statement as well as her testimony before the court and therefore, there is no reason to disbelieve her. It was also submitted that a hotel would not be maintaining any record(s) of guests visiting the occupants of the hotel. Therefore, the absence of any such record cannot be relied upon to draw an adverse inference against PW1. There is no infirmity or illegality in the impugned judgment calling for an interference by this Court.

12. The only point that arises for consideration in this appeal is whether the conviction entered and sentence passed against the appellants/accused by the trial court are sustainable or not.

13. I shall briefly refer to the oral and documentary evidence relied on by the prosecution in support of the case. Ext. PW1/A FIS/FIR given by PW1, the prosecutrix, recorded in Hindi on 18.12.2017, translated reads thus: *“I wish to complain against Satbir Singh Ratti (the accused), who resides in Mumbai, for*



blackmailing and torturing me. I became acquainted with Satbir Singh Ratti (the accused) through 'simply marry', a matrimonial website where my profile was created by my family in June 2015. Satbir (the accused) sent an interest request on my profile, which I accepted with the approval of my family. We began to talk and got into a long-distance relationship. Everything was good initially. However, gradually his behaviour deteriorated. He began to verbally abuse me and my parents, and to doubt my character. I decided to end the relationship with him. When I expressed my desire to end the relationship, he sent me my private photographs over WhatsApp and threatened to send them to my parents if I decided to part ways. I had shared these photographs during our relationship. He blackmailed me and threatened to circulate my photographs if I did not continue my relationship with him and send ₹25000/- to him. He used to demand money from me every month, and I have given over ₹1,50,000 to him till date. He tortured, blackmailed and harassed me. He would video call me



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over WhatsApp every day and order me to remove my clothes, and if I refused to comply, he would threaten to send my pictures to my family and relatives. From 23.01.2017 to 25.01.2017, he was staying at Hotel Radisson, Delhi. He forced me to get physically intimate with him during his stay. He demanded money every month and tortured me on WhatsApp calls by threatening to leak my pictures. He instructed me to slash my hands and legs with a blade. He also instructed me to hit myself to the point of exhaustion. Every day, I would slap myself 20 to 25 times, as per his wishes. He would also ask me to spit on the floor and lick it, to lick slippers and drink water from the flush pot. He used to verbally abuse me every day and threatened gang rape. He also goaded me to commit suicide. He forced me to get physically intimate with him on two occasions, that is, during his visit from 23.01.2017 to 25.01.2017 and on 29.09.2017. He has extorted a substantial amount of money from me so far. He makes me recharge his mobile phone every month. I had shared my private



photographs with him initially because he and his family had promised marriage. His parents are aware of the incidents. This has affected my health. He wakes me up every day at 02:00 or 03:00 a.m. to torture me and threatens to leak my photographs. He forces me to get physically intimate. I request you to take action against Satbir Singh Ratti and help me get rid of him. He has my private photos saved on various devices, including his phone, desktop and laptop. He has also threatened to get me raped by his friends, namely, Shanky and Jatin if I refuse to comply with any of his demands. His friends also have my pictures, which he threatens to circulate. From 23.01.2017 to 25.01.2017 and on 29.09.2017, he blackmailed me into getting physically intimate with him on the pretext of marriage. I am unable to recall the room number of the hotel where he had called me. His name is Satbir Singh Ratti (the accused). Today also, he had come to Hotel Radisson, Paschim Vihar and stayed in room no. 622. He had come with an intention of blackmailing and getting physically intimate. I called the police,



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complained against him and got him arrested at Miyanwali police station, Paschim Vihar. I had made this call with the consent of my family and complained against him in their presence. He used to call me from various mobile numbers and blackmail me. His mobile numbers are: 9619118130, 8082069556 and 8369215525. His father's name is Jaspal Singh Ratti and his mobile no. is 9323544011. I had given a total sum of ₹5,00,000/- to him, out of which ₹1,50,000 was transferred to his bank account and ₹3,50,000 was paid to him in cash in January and September, when he came to visit me.”

14. In Ext. PW1/C 164 statement of PW1 recorded the next day, that is, on 19.12.2017, PW1 has stated thus: Her family was looking for marriage proposals and hence registered her details on a website named simplymarry.com. Satbir Singh Ratti (the accused) sent her a request on the said website. Her family liked him and accepted his request. He (the accused) asked her to first talk to him on WhatsApp and then to involve the parents to which



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she agreed. They slowly started liking each other and entered into a long-distance relationship. For a few days, everything was good, but thereafter he (the accused) became obsessive and possessive. He (the accused) started suspecting everything. He (the accused) would ask her to send her call logs to him and abuse her. When she told him that she was unable to tolerate his behaviour and wanted to end the relationship, he threatened to forward her intimate photographs, which she had shared with him during the course of their long-distance relationship, to her parents and other family members. He used to blackmail and abuse her. He asked her to send him ₹25,000/- in instalments till January, if she wanted to protect her honour. He also directed her to sleep with him. From 23.01.2017 to 25.01.2017, while he was staying at Hotel Radisson, Paschim Vihar, she went to meet him, where the latter raped her. At that time, he was planning for the next meeting and to extort money. As demanded by him, she paid him ₹1,75,000/- at the hotel. He would increase the amount whenever he wanted, stating



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that she had misbehaved with him or that she had not kept in touch with him. He would call her on WhatsApp and torture her by asking her to slap herself 20-25 times and cut herself with a blade until he became sexually aroused. He would repeatedly instruct her to hurt herself. She still has marks on her thighs caused by a blade. He also tortured her by directing her to lick her slippers, spit on the floor and lick it, and drink water from the toilet commode. He would make her perform these acts during video calls and threaten her that if she did not comply, he would forward her intimate photographs to her father and other family members. The accused would wake her up at about 02:00-03:00 a.m. by calling her and asking her to fulfil her end of the deal. He would ask her to hit herself as much as she could and that she should be in pain. On 29.09.2017, the accused again made a plan to stay at Hotel Radisson, Paschim Vihar, and again raped her there. She gave him ₹1,75,000/- after selling her chain. There were also additional online transactions being made to him. Whenever he was in a bad



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mood, he would demand money and insist that she send it immediately. He would tell her that if she did not have the money, she should sleep with someone else or commit suicide. She was in touch with the accused's parents, who used to assure her that they would eventually get married. She called his parents and told them that their son had been torturing and sexually assaulting her, and requested them to save her. Thereafter, his father switched off his phone. After ten minutes, the accused called from his father's phone and started abusing her. She has recorded all these on her phone. The details of the online transactions can be retrieved after entering the password on her ICICI phone application. She had given him cash by borrowing money to save her honour. He has saved her photographs on his desktop, phone and laptop. He has also shared the same with his friends, namely, Jatin and Shanky. The accused threatened her that if anything happened to him, his friends would rape her. He also threatened her that he would get her mother raped and her father and brother murdered.



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15. PW1 when examined before the trial court deposed that in June 2015, her parents uploaded her profile on the matrimonial website “simplymarry.com”. The accused expressed interest in her profile, which she accepted with the approval of her family members. Thereafter, they started talking to each other and gradually entered into a long-distance relationship. Since PW1 was residing in Delhi and the accused was residing in Mumbai, they did not meet in person but only talked to each other. Initially, everything was going well. However, with passage of time, she noticed a significant change in the accused’s behaviour. He was rude to her, abused her, quarrelled with her, and started suspecting her. When she felt that his behaviour had changed considerably, she decided to end their relationship. On being informed of her decision, the accused became furious and threatened to circulate her private photographs, which she had sent to him during their relationship, among her relatives, parents, friends, and other family members. The accused demanded ₹25,000/- and directed her to



transfer the amount into his bank account. He also asked her to meet him, stating that he wanted to rape her, and threatened that if she did not comply with his demands, he would circulate her private photographs. She transferred ₹25,000/- from her bank account to the bank account of the accused. Between 23.01.2017 to 25.01.2017, the accused stayed at the Radisson Blu Hotel, Paschim Vihar, Delhi. On 23.01.2017, he called her to the hotel and raped her. By that time, the accused had become extremely aggressive and would direct her on WhatsApp video calls to cut her hands with a blade, slap herself repeatedly 20-25 times until he got an erection, lick her *chappal*, drink water from the flush pot, spit on the floor and lick it. She complied with these directions because the accused was in possession of her obscene photographs and threatened to circulate them. By the time the accused was arrested, he had taken approximately ₹5,00,000/- from her by blackmailing her. Out of this amount, around ₹1,50,000/- was transferred to the accused's bank account, while around ₹3,50,000/- was paid to him



in cash. On 29.09.2017, the accused came to Delhi and raped her at the Radisson Blu Hotel, Paschim Vihar. The accused would also torture her during the night, particularly at about 02:30-03:00 a.m., by directing her over WhatsApp video calls to slap herself, cut her hands and thighs with a blade, and beat herself until she became exhausted. She complied with his directions because he would threaten to circulate her private photographs. The accused's friends, namely, Jatin and Shanky, were also in possession of her photographs. The accused used to threaten her that if she refused to obey his instructions, he would ask his friends to circulate the photographs in her locality. She showed the room of the hotel to the police, where the accused had raped her, and the police prepared Ext. PW1/D site plan. The accused was arrested by the police in her presence. She handed over her Lenovo mobile phone to the police, containing the WhatsApp chats, her conversations with the accused and the details of money transfer from ICICI Bank account to the bank account of the accused. When she was



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left with no other option, she contacted the father of the accused and requested him to save her. She narrated the incidents in detail to the father of the accused. After listening to her entire conversation, the father of the accused disconnected the call and switched off his mobile phone. After about ten minutes, she again called the same number, which was answered by the accused, who started abusing and threatening her with dire consequences if she disclosed any of the incidents to his parents. The family members of the accused were aware of the incidents. The accused had threatened to rape her mother and kill her brother and father. PW1 clarified that the photographs which the accused had threatened to upload and circulate were the nude photographs that she had shared with the accused during the course of their relationship. The accused had also shared his nude photographs with her, but she had not saved those photographs. PW1 identified her Ext. P1 mobile phone with the SIM card and memory card. After going through the entire contents of the data received from the FSL in a



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pen drive, PW1 identified Ext. P2 (colly), the relevant electronic data retrieved from her mobile phone by the FSL and copied into a pen drive, including the aforesaid audio recordings, videos, images and screenshots. On 18.12.2017 at about 09:30-10:00 a.m., she went to the Radisson Blu Hotel, Paschim Vihar, New Delhi, along with her father and brother. Satbir Singh Ratti (the accused) had come to the hotel and had called her there with the intention of raping her. He had threatened her that if she did not visit the hotel, he would upload her obscene photographs on the internet and circulate them among the members of her social circle. She called the police and informed them that the accused, staying in the hotel, had been harassing and torturing her for the past two years. The police arrived at the spot. She identified Ext. PW1/A written complaint. The accused was apprehended by the police from the hotel, and she, her father, her brother, and the accused were taken to Mianwali Nagar police station. She was taken to Sanjay Gandhi Memorial Hospital, where she was examined.



15.1. PW1 in her cross-examination deposed that in the year 2015 she was about 28 years old. She admitted that the accused was five years younger than her. PW1 admitted that she had never met the accused personally before sending him her private photographs. According to her, both of them had exchanged their private photos. PW1 was unable to recall if she had made any entry in the hotel register or furnished a copy of her identity document at the hotel reception during her visit to the Radisson Blu Hotel for the period from 23.01.2017 to 25.01.2017, or the room number where the accused was staying. She admitted that Ex. PW1/D site plan does not mention either the room number or the floor of the hotel where the accused had stayed from 23.01.2017 to 25.01.2017. The IO had not taken any photograph of the hotel room in her presence. She paid ₹1.5 lakh in cash to the accused, which was arranged by withdrawing money from her salary account, borrowing money from her friends, and selling a small gold chain. PW1 denied the suggestion that she has falsely



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implicated the accused as he refused to marry her when he came to know of her relationship with one Nipun, her colleague. PW1 admitted that the videos appearing in item Nos. 157 to 162 on pages 2977 and 2978 of the PD1 pen drive had been sent by her to the accused and that the accused had not sent any video of himself, either nude or otherwise, to her. PW1 added that, initially, the accused had also sent his nude videos and photographs to her, but she had not saved them on her mobile phone as she considered it inappropriate to retain such materials as there was a possibility of others seeing them. PW1 admitted that the voice sample of the accused had not been taken in her presence by the IO or any FSL expert. She denied the suggestion that the images starting from page 2273, including item Nos. 203 and 4315 in the pen drive, had been morphed, manipulated, or tampered with by her in order to falsely implicate the accused. PW1 admitted that the screenshots marked as item Nos. 841 and 857, relating to the transfer of money and appearing at pages 158-159 of the pen drive, constituted



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computer output as they had been taken from her mobile phone. She was unaware whether, on 18.12.2017 at the police station, her father had spoken to the father of the accused over telephone and thereafter to the accused demanding ₹5 lakh and threatening that, in case the amount was not paid, the accused would be sent to jail and that her father would ensure that he remained in jail for the rest of his life. PW1 added that her father passed away during COVID-19 pandemic. She was occupied with the IO and therefore is unaware what conversation had taken place between her father and the accused or with his father. PW1 denied the suggestion that the accused had refused to marry her after learning about her relationship with Nipun and that, being aggrieved by such refusal, she had fabricated the allegation of rape under threat of uploading her nude photographs on the internet. PW1 admitted that, till the date of the arrest of the accused, he had not actually uploaded any of her photographs or videos on the internet or social media platforms. Regarding the incident on 29.09.2017, PW1 deposed



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that the incident did occur on the 29th, but she was not sure about the month.

16. PW2, the brother of PW1, deposed that on 17.12.2017, his sister (PW1) told him that a person named Satbir Singh (the accused) had been blackmailing her for about two years on account of having certain objectionable photographs/videos of her. The accused had extorted about ₹5 lakh from his sister (PW1). On the following day, Satbir Singh (the accused) called his sister to Radisson Blu Hotel, Paschim Vihar, and threatened her that if she did not visit the hotel, he (the accused) would send her photographs to her family members. The day after, he, along with his sister and father, went to the Radisson Blu Hotel. They called the police from outside the hotel. The police arrived at the spot and entered the hotel. The accused was inside the hotel. His sister (PW1) told him that the accused had raped on her in the said hotel.

16.1. PW2 in his cross-examination admitted that, prior to 17.12.2017, he had no knowledge of the incident that happened



with his sister (PW1). He had seen the private photographs/videos of his sister (PW1) at the police station. He denied the suggestion that his sister (PW1) had not paid ₹5 lakh to the accused or that, because she had taken the said amount on credit from the latter, a false case had been registered against the accused. He denied the suggestion that he was falsely deposing before the Court.

17. PW4, the father of the accused, deposed that he was unable to recall the exact date, but in December 2017, when he was at his residence in Mumbai, some officials from the Delhi police along with the accused arrived. He identified his signature in Ext. PW3/A seizure memo relating to seizure of a hard disc. According to PW4, he is unaware of the contents in the seizure memo or of the proceedings of the police at his residence.

17.1. The prosecutor sought permission of the court to “*cross-examine*” PW4 as he was resiling from his previous statement. The said request was allowed. On further examination, PW4 admitted that on 27.12.2017, officials from the Delhi Police



visited his house along with his son (the accused) and in his presence, had seized a hard disc at his son's instance.

18. PW8, the then General Manager, Radisson Hotel, Delhi deposed that he received a notice from the police, to which he gave Ext. PW8/A reply dated 03.01.2018. He replied that the CCTV footage for the period between 23.01.2016 to 25.01.2016 ([sic] must be 2017) and on 29.09.2017 was not available because recordings are retained by the hotel for a period of 30 days only. A copy of the registration card for the period from 23.01.2017 to 25.01.2017 and for 29.08.2017, along with a copy of the identity proof of the accused, was handed over to the police. He had also handed over Ext. PW8/B, copy of the registration card of the accused dated 18.12.2017 along with the relevant CCTV footage; Ext. PW8/C a copy of election ID card of the accused; Ext. PW8/D, the registration card, relating to the visit of the accused on 29.08.2017; Ext. PW8/E a copy of the registration card of the accused regarding his visit on 23.01.2017; Ext. PW8/F, a copy of



the Election ID card of the accused; Ext. PW8/G a copy of his own ID card demonstrating his employment at Radisson Blu Hotel and Ext. PW8/H, the Certificate under Section 65B of the Indian Evidence Act in respect of the CCTV footage, to the police.

18.1. PW8 in his cross examination, admitted that he had not personally seen the accused during the latter's stay in the hotel and what he has deposed was strictly based on the hotel records.

19. I shall also make a brief reference to the testimony of the accused who was examined as DW1. According to DW1, he had registered himself on simplymarry.com in the year 2016 with the consent of his family. He accepted the request sent by PW1. PW1 asked for his contact number through the website, which he shared with her, and thereafter they started talking to each other, mostly through WhatsApp. PW1 informed him that her family wanted to meet him. As he was residing in Mumbai, he was initially not inclined to visit PW1 in Delhi. However, as insisted by PW1 and her parents, he came to Delhi on 23.01.2017 or



24.01.2017 and stayed at Hotel Radisson Blu, Paschim Vihar. He met PW1's family in the hotel lobby, and they had a meal together. After about an hour, when PW1's family left, he returned to his room. Thereafter, PW1 called him and asked whether he liked her family. He asked her to wait for a few days as he had met her family only once. As requested by PW1, they met near a wine shop. PW1 told him that she needed some money for shopping and promised to return the same as early as possible. He had ₹75,000/- in cash with him and so he gave her the amount as she was known to him and they had been in touch for quite some time. Thereafter, he returned to Mumbai and continued talking to PW1 over phone. He occasionally reminded her about the borrowed money and asked her to inform her parents about the amount, but she did not pay heed to his request. He again came to Delhi in September 2017 and met PW1, her parents and one of her female friends at the Pacific Mall. After having lunch together, the parents of PW1 left. Thereafter, he, along with PW1 and her friend, went to a café in



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the aforesaid mall, where PW1 again demanded money from him. They walked to the Metro Station, Subhash Nagar, where he handed over ₹45,000/- to ₹47,000/- to PW1 in the presence of her friend. PW1 again promised to return the money as she was about to join a better job. He returned to Mumbai on the same day. Thereafter, disputes arose between them regarding repayment of the money, as PW1 was not willing to return the money to him. Her friends also advised him to forget about the money as he was to marry her. However, seeing PW1's conduct, he decided not to marry her and that he would inform her parents that she owed him the aforesaid amounts. He stopped talking to her parents as he felt that PW1 had no intention to return his money. Whenever he used to ask PW1 to return his money, she would quarrel and abuse him. Her friends also used to tell him over phone that if he demanded the money back, he would be falsely implicated. Such quarrels continued for about 02 to 03 months from September 2017. At times, he used to tell PW1 that she should return his money, failing



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which he would inform her parents about the same, and then heated arguments would ensue between them. However, he neither informed her parents about the money, nor did she return the same. They had a third meeting in December 2017 as the father and brother (PW2) of PW1 requested him to come to Delhi to meet them and they also told him that the money would be returned. Hence, he came to meet them, but the money was never returned, instead he was taken to the police station by PW1 and family, who were accompanied by a police woman, who disclosed her name as Usha Devi (PW11). He was threatened with false implication in the police station if he did not desist from his demand for return of the money. He was terrified and was forced to call his parents/family and ask them to arrange ₹5,00,000/-, failing which he would be implicated in a false rape case. His family could not arrive immediately as they were in Mumbai. After 02 to 03 hours, he was put in the lock-up at Mianwali Nagar police station and thereafter shifted to another lock-up in another building. His



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family members arrived late at night. The next day, when he was brought to court, he was allowed to meet his family. DW1 further deposed that after the second or third day of his arrest, his family received a letter by courier at their Mumbai residence which contained a CD. The CD contained the video and voice of the father of PW1 and the voice of her brother (PW2). In the CD, the father of PW1 can be heard saying that if money was paid, they would not file a rape case, failing which they would file a rape case. This information was given to him during his official meeting with his family. His family had handed over the original CD to his earlier advocate, whose name he was unable to recall. The said advocate had handed over the original CD to PW11, the IO.

20. It was submitted by the learned counsel for the appellant/accused that PW1, during her cross-examination, could not recall several particulars concerning the alleged incidents of rape, including the room number, floor number and the manner in



which she reached the room. It was also submitted that there is an inconsistency regarding the month in which the second incident of rape is alleged to have taken place in the hotel. PW1 in her FIS/FIR; 164 statement as well as in the box has stated that after the incident of rape during the period from 23.01.2017 to 25.01.2017, the next incident took place on 29.09.2017. However, in the cross-examination she deposed that she is sure only about the date, that is, 29th and that she is confused about the month in which it took place. Referring to the testimony of PW1, it was submitted that no such incident on 29.09.2017 had taken place and that there are absolutely no materials to suggest the same also. This was pointed out as a major defect in the prosecution case.

21. In addition to the testimony of PW1 regarding the visit of the accused to Delhi and his stay at Hotel Radisson for the period from 23.01.2017 to 25.01.2017, there is also Ext. PW8/E registration card. This document is not disputed by the accused. The fact that the accused was in Delhi and staying at the aforesaid



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hotel during the time from 23.01.2017 to 25.01.2017 is admitted, though according to the accused it was to meet PW1's family. It is true that there is no documentary evidence to prove the visit of the accused to Delhi and his stay at the aforesaid hotel on 29.09.2017, on which date, the second incident of rape is alleged to have occurred. But the accused when examined as DW1 admitted that he did come to Delhi in September 2017 also. According to him, on the said day he had met PW1 and her parents at which time one of the friends of PW1 was also present. According to DW1, he returned to Mumbai on the same day. Though there is no evidence of stay of the accused in the aforesaid hotel on 29.09.2017, Ext. PW8/D registration card, which is again not disputed, shows that the accused had checked into the hotel on 29.08.2017 at 11:42 hours and checked out on the same day at 19:42 hours. According to the accused, he had only made three visits to Delhi, that is, the first one from 23.01.2017 to 25.01.2017; the second in September 2017 and then the final visit in December 2017, when he was



arrested. He has no explanation for his visit on 29.08.2017 evidenced by Ext. PW8/D. The visit on 29th of August 2017 remains unexplained. But Ext. PW8/D does establish his visit to Delhi and stay in the aforesaid hotel. PW1 might have gone wrong in referring to the date of the second incident as 29.09.2017 instead of 29.08.2017. That alone cannot be taken as a ground to reject the prosecution case in the light of the other materials on record. Moreover, the Court Charge only refers to the repeated rape that occurred during the period from 23.01.2017 to 25.01.2017 and not to the second incident on 29.08.2017.

22. As submitted by the learned counsel for the appellant/accused, Ext. PW1/D1 PCR call does not refer to any allegation of rape or extortion, but only stated that a person present inside the hotel was blackmailing PW1. However, PW1 appears to have made the PCR call seeking immediate police assistance. A PCR call made in an emergent situation cannot be expected to contain a detailed narration of the entire incident or all the



particulars which may find a place in the FIS/FIR, the 164 statement or the testimony. Therefore, the omission to mention rape or extortion in the PCR call does not make the allegation of rape an afterthought, particularly when PW1 has otherwise remained consistent throughout.

23. The learned counsel for the appellant/accused further submitted that, to establish the offence of rape, the essential ingredient of penetration has to be proved. The same has not been established by the prosecution in the present case. Reliance has been placed on the dictum in **Rahul** (*supra*) in support of the argument. In the said case, the prosecution case was that the accused, on the pretext of marriage, established physical relations with the victim, a girl aged 16 years, for a period of one year. The trial court convicted the accused for the offences punishable under Section 376 IPC and Section 6 of the PoCSO Act and sentenced him accordingly. When the matter came up before this Court, it was *inter alia* considered whether the expression “*physical*



relations”, without further description or supporting evidence, was sufficient to establish penetrative sexual assault under the PoCSO Act and rape as defined under Section 375 IPC. While allowing the appeal, it was held that there was no clarity as to what was meant by the expression “*physical relations*”. Since the prosecution failed to clarify the specific acts and there was no supporting medical or forensic evidence, the offences were held to have been not proved.

24. The aforesaid judgment is clearly distinguishable from the facts of the present case. In the case on hand, PW1 has not merely used the expression “*physical relations*”, but she has specifically deposed when examined before the trial court that the accused had raped her. It is true that in Ext. PW1/A FIS/FIR, the term used is “*physical relation*”, that is, the accused forced her to get “*physically intimate*” with him. But in the 164 statement and in her testimony before the Court, PW1 has specifically stated that the accused raped her. Ext. PW1/B MLC of PW1 notes that the hymen was found torn. In the column relating to “examination for



injuries”, it has been noted that 03 to 04 cm blade cut marks were seen on the thighs of PW1. This corroborates the testimony of PW1 that she was forced by the accused to cut her thighs with blade. Therefore, the medical evidence herein provides corroboration to the testimony of PW1. The testimony of PW1 is specific as to the nature of the acts committed by the accused and the same is supported by the medical evidence. Therefore, the ratio of **Rahul** (*supra*) cannot be applied here.

25. Reliance on the dictum in **Nitin** (*supra*) is also misplaced. The issue that arose before the Apex Court was whether a consensual relationship based on a promise to marry amounts to rape, when the promise was not shown to have been false from the beginning. While quashing the entire criminal proceedings, it was held that mere consensual sex following a promise to marry does not automatically amount to rape. For rape, the prosecution must show that the promise was made from the beginning with no intention to fulfil it and that the false promise



directly caused the woman to consent. It was noted that the relationship was consensual, and the initial promise was not shown to be dishonest. However, in the case at hand, the facts are materially different from those in **Nitin** (*supra*). The present case is not founded merely upon an allegation that the accused failed to fulfil a promise to marry after having consensual sexual relations with PW1.

26. It was also submitted by the learned counsel for the appellant/accused that, although the accused admits his presence in Delhi at Hotel Radisson from 23.01.2017 to 25.01.2017, he had infact come to Delhi only to meet PW1 and her family and the allegations of rape, extortion and blackmail are all false. It is true that there is no documentary or independent evidence to establish that PW1 had been to the room of the accused at Hotel Radisson. But, as noticed earlier, the accused admits his presence in the hotel from 23.01.2017 to 25.01.2017 and thereafter on 29.08.2017. The accused has set up a specific defence. According to him, it was as



insisted by PW1 that he had come to Delhi on 23.01.2017 or 24.01.2017 to meet PW1 and her family. There is no explanation for his visit to Delhi and stay in the hotel on 29.08.2017 which stands established by Ext.PW8/D. In the light of the materials on record to which I shall refer to shortly, it appears highly unlikely and improbable for the accused to have come to Delhi and stayed in the hotel for the aforesaid period to meet PW1's family as claimed by him.

27. The attention of this Court was further drawn to the transcript prepared from the call recordings available on the mobile phone of PW1, which, according to the defence, had been recorded through call-recording software. This transcript has been relied on heavily by the trial court. This according to the learned counsel, was a major infirmity/error committed by the trial court as no voice sample of either the accused or PW1 had been taken by the police and no voice-comparison examination had been conducted to establish that the voice in the recordings is infact that



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of the accused. It was further submitted that the prosecution has not established that the calls reflected in the transcript were actually exchanged between the mobile number of the accused and that of PW1.

28. PW9, Nodal Officer, Vodafone Idea Ltd., was examined to prove that mobile numbers 8082069556 and 9619118130 were issued in the name of the accused. This fact is not disputed by the accused. The mobile number of PW1 is 8586938537. The phone numbers are proved through the testimony of PW9 and Ext. PW9/B, PW9/C and PW9/D. Thus, the mobile numbers from which the communication between the accused and PW1 took place stand duly established. Further, Ext. PW9/G (colly.) the Call Detail Records were placed on record.

29. The trial court in the impugned judgment has considered in detail the electronic evidence relied on by the prosecution, the manner in which the same was recovered, extracted and correlated. Discussion from paragraph 127 of the



impugned judgment is material in this regard. Ext. P2 (colly.) comprises the electronic data for the period from 01.06.2015 to 18.12.2017, consisting of images, audio and video files recovered from the mobile phone of PW1 and HDD-1 pertaining to the mobile of the accused. The mobile phones/devices of both parties were seized and sent for forensic examination, whereupon the relevant data was extracted by the FSL and transferred to pen drive PD-1. The said extracted data has been exhibited as Ext. PW6/B-1. Thus, the material relied upon was not merely a transcript subsequently prepared on behalf of PW1, but it originated from the devices seized from the parties and was extracted during FSL examination.

30. In paragraph 151 of the impugned judgment, it is stated that the court had compared the original mobile-phone data; the reproduction thereof from the phone in Ext. PW6/A FSL result as well as the data contained in the pen drive, with reference to the item numbers, date and time of creation, duration of the calls and



the corresponding CDRs of PW1 and the accused. The court correlated the electronic material with the relevant conversations, audio and video recordings. As indicated from paragraph 220 of the impugned judgment, the trial court heard the entire conversations and found that it tallied with the FSL report as well as the transcripts, and found that the transcripts corresponded with the recordings contained in the FSL report.

31. More importantly, in paragraphs 242 and 243 of the impugned judgment, the trial court has referred to Ext. PW9/G (colly.) CDR and found that the audio-recording calls corresponded with the CDRs of the mobile numbers of PW1 and the accused, with the exact timings of the calls, which were further corroborated by Exts. PW9/B, PW9/C and PW9/D, the Customer Application Forms. The time of creation of the recordings mentioned in the FSL report largely tallied with the relevant details in Ext. PW-9/G (colly.) CDR. The accused has neither denied being the registered user of the aforesaid phone numbers nor is it



his case that the phone numbers were being used by somebody else.

32. The learned counsel for the appellant/accused has not demonstrated before this Court that any particular recording has been incorrectly correlated with the relevant CDR or that the mobile numbers attributed to the accused did not belong to him, or that the timings reflected in the CDRs did not correspond with the recordings. In the absence of any such challenge, there is no reason to interfere with the factual findings of the trial court merely because the voice sample had not been obtained.

33. Further, the objection regarding Section 65B of the Indian Evidence Act also does not advance the defence case. The prosecution has relied on the transcript, which is secondary evidence and the primary evidence available in the form of the original data in the devices seized and the extracted data. When the primary evidence itself has been produced, there is no necessity for a Certificate under Section 65-B of the Evidence Act. The



suggestions put to PW1 that the images had been morphed, manipulated and tampered with were denied. However, no such suggestion was put to PW6, the FSL expert who had examined the mobile phones retrieved the data from the phones and copied the same to the pendrive marked as Ext. D1. Mere suggestions, in the absence of supporting material, cannot by themselves establish fabrication or manipulation. Ext. PW6/A the FSL result does not disclose tampering with the electronic material. Further, the chain of custody of the material particulars has not been shown to have been compromised.

34. Further, a reading of the impugned judgment shows that the main argument advanced challenging the call recordings was that the same infringed the right of privacy of the accused and that PW1 recording his calls without his knowledge or consent was violative of his fundamental rights under Articles 19 to 21 of the Constitution of India. It was also urged that the act of PW1 in recording the conversations was violative of Section 25 of the



Indian Telegraph Act, 1885. Several decisions were also relied on. The trial court considered the argument in detail and rejected the same. Before this Court, no such argument was advanced and hence I am not going into the same also. Suffice it to say that I do not find any infirmity in the trial court rejecting the said argument.

35. In the dictum in **Anil Markende** (*supra*) relied on by the appellant, the prosecution relied upon a digital voice recording made by the complainant therein to establish a demand of ₹5,000 as illegal gratification. The recorder remained in the complainant's custody for several days before being produced before the Anti-Corruption Bureau, and the prosecution did not obtain voice samples or conduct FSL/expert voice comparison. The issue which arose before the Court was whether such recording could safely establish the demand for a bribe. It was held that the recording lacked adequate authentication and that the possibility of tampering could not be ruled out. The voices were identified solely on the basis of the complainant's version. In the absence of reliable



voice identification, scientific examination and a Section 65-B certificate, the recording could not establish demand beyond reasonable doubt.

36. The case on hand is materially distinguishable. Unlike in **Anil Markende** (*supra*), where the recording device remained in the complainant's custody, the recordings here were extracted by the FSL from the mobile phones seized from PW1 and the accused. PW1 in the box asserted that the calls were made by the accused. Her testimony is corroborated by the electronic data as well as the documentary evidence produced by the prosecution. The learned trial judge heard as well as viewed the audio and video extracted from the phones. The trial court is seen to have even checked the IMEI number of the mobile phones seen in Ext. PW9/G (colly.) CDR with the ones mentioned in Ext. PW11/I and Ext. PW11/J seizure memos of the phones of the accused and PW1 respectively and found the same to be tallying. It has not been shown in what manner the trial court erred on its analysis and



conclusions regarding the electronic data relied on by the prosecution.

37. The trial court in paragraphs 253 to 266 of the impugned judgment has referred to in detail the audio clippings containing the conversation between PW1 and the accused as well as the video clippings and images extracted from the mobile phone. These conversations and images fully corroborate and substantiate PW1's version regarding blackmailing, extortion and rape.

38. The learned counsel for the appellant further submitted that PW1, her family and PW11, the IO, had falsely implicated the accused with a view to extort money from him. Infact, PW1's father had demanded an amount of ₹5,00,000/- from the accused for withdrawing the case. He also submitted that after the PCR call, it was Sub Inspector Satbir who was entrusted with the case as per DD No. 12A. However, Assistant Sub-Inspector Usha (PW11) went to the spot without any authority. There was no



reason for her to have gone there when the enquiry had been marked to SI Satbir. This circumstance inferred conspiracy, argued the defence.

39. PW11, ASI Usha Devi, deposed that on 18.12.2017, upon receipt of DD No. 12A, she along with SI Satbir went to the hotel. Thus, it is clear from her testimony that she had accompanied SI Satbir to the spot. There is, therefore, no basis to draw any adverse inference merely from her presence at the spot. No independent or contemporaneous material has been produced by the accused to substantiate the allegation of conspiracy or false implication. The accused, when examined as DW1, deposed that a demand for money had been made by the father and brother of PW1 and that a CD containing a recording of the alleged demand had been received by his family. The case of the accused when PW1 was examined was that an amount of ₹5,00,000/- had been demanded by PW1's father. However, when questioned under Section 313(1)(b) Cr.P.C., his case is that the alleged demand was



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for ₹30,00,000/-. Further, the accused has also a case that his family had received a CD by courier after 2 to 3 days of his arrest in his Mumbai address which clearly contained the audio as well as video of the demand by PW1's father. If that be so, this would have been the best evidence which could have thrown light on the controversy. However, the accused never produced the CD before the trial court. His explanation is that he had handed over the CD to his then lawyer, who in turn had handed over the same to PW11. The accused was unable to even specify the name of the lawyer to whom the CD is supposed to have been handed over by his family. Even if he was unable to recall the name of the lawyer, his family would certainly know the details. However, no steps to get the CD produced before the Court is seen made. I hasten to add that I am quite conscious of the fact that no adverse inference can be drawn if the accused does not adduce any evidence on his behalf to disprove the prosecution case. He has every right to remain silent. But once he takes up a defence and enters the witness box, no



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further protection is available to him and it is for him to prove his defence though the burden on him would not be proof beyond reasonable doubt, but on a preponderance of probability. Here such a preponderance of probability has also not been established. It appears highly unlikely for the family of the accused to have handed over the CD, a crucial piece of evidence to PW11, who according to the accused had conspired with PW1 and family to falsely implicate him. The mere assertion that PW1's father had demanded ₹5,00,000/- or ₹30,00,000/- cannot, in the absence of supporting evidence, displace the otherwise consistent testimony of PW1 regarding the allegations against the accused.

40. Section 376(2)(n) IPC requires the prosecution to establish that the accused committed rape as defined under Section 375 IPC upon the prosecutrix and that rape was committed repeatedly. In the case on hand, PW1 has deposed that the accused raped her at Hotel Radisson, Paschim Vihar, during his stay in the hotel from 23.01.2017 to 25.01.2017 and thereafter on 29.08.2017.



Her version regarding the sexual assault has remained consistent. Further, her oral testimony is corroborated by the electronic evidence also relied on by the prosecution. Thus, the prosecution has established the commission of rape on more than one occasion and, consequently, the ingredients of Section 376(2)(n) IPC stand proved.

41. Section 384 IPC is attracted where the ingredients of extortion, as defined under Section 383 IPC, are established. For an offence under Section 383 IPC, the prosecution is required to establish that (i) the accused intentionally put the victim in fear of injury to the victim or to any other person; (ii) such fear was intentionally caused to dishonestly induce the victim to deliver any property or valuable security, or anything signed or sealed which may be converted into a valuable security; and (iii) the victim, being put in such fear, delivered the property or valuable security pursuant to such inducement. In the case on hand, PW1 deposed that the accused threatened to circulate her private and nude



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photographs among her parents, relatives and other family members and, by using such threats, demanded money from her. She paid money to the accused under such threats. The audio clips referred to by the trial court contains the demands for money, sexual favours etc. as deposed by PW1. It is true as pointed out by the trial court that the documentary evidence produced relating to the bank account of PW1, does not show to which account the money from PW1's account had been transferred. But, the oral testimony of PW1 coupled with the audio and video clippings do establish the case of extortion also.

42. Section 506 IPC provides punishment for criminal intimidation. PW1 has consistently deposed that the accused threatened to circulate her private photographs and also threatened her and her family members with serious consequences if she did not comply with his demands. The threats were intended to cause alarm to PW1 and to compel her to comply with the demands of the accused. This again is substantiated by electronic evidence in



the form of audio and video clippings extracted from the mobile phone of PW1, which corroborates the testimony of PW1. Accordingly, the ingredients of Section 506 Part II IPC also stand established.

43. In the light of the aforesaid discussion, the prosecution has succeeded in establishing the offences punishable under Sections 376(2)(n), 384 and 506 IPC against the accused beyond reasonable doubt. I find no infirmity in the impugned judgment calling for an interference by this Court.

44. The appeal *sans* merit is dismissed.

45. Application(s), if any, pending shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

AUGUST 25, 2026
Mj/kd