

Supreme Court Sets Aside Rape Conviction: Contradictory Testimony Cannot Be Selectively Accepted

In 2026 INSC 1054, the Supreme Court of India held that a rape conviction could not stand where the prosecutrix's materially contradictory account was rejected for the intertwined abduction charge but selectively accepted under Section 376 IPC.

Supreme Court of India criminal law and evidence analysis
Published 26 September 2026 | Shahbaz Shah, Advocate High Court

Case: Criminal Appeal No. 203 of 2015 | 2026 INSC 1054
Court and date: Supreme Court of India | 25 September 2026
Bench: Justice Ujjal Bhuyan and Justice Atul S. Chandurkar
Result: Appeal allowed; conviction under Section 376 IPC set aside

The ruling in one sentence

The Supreme Court of India set aside a conviction under Section 376 of the Indian Penal Code because the prosecutrix's account, read as a whole, contained material contradictions and had already been disbelieved on the closely connected allegation of kidnapping or abduction; the same evidence could not be selectively rejected under Section 366 and accepted under Section 376 without reliable, clinching proof.

The reportable judgment is *Paramjit Singh Bedi v State of Punjab*, Criminal Appeal No. 203 of 2015, neutral citation 2026 INSC 1054. Justice Ujjal Bhuyan authored the judgment for a bench comprising Justice Ujjal Bhuyan and Justice Atul S. Chandurkar. It was delivered on 25 September 2026.

How the case reached the Supreme Court

The prosecution alleged that the appellant took the prosecutrix from Ludhiana on 19 June 2009, kept her first in a flat and later in a room at an abandoned factory in Malerkotla, and had sexual intercourse with her against her will. The police registered FIR No. 142 of 2009 under Sections 363, 366A and 376 IPC.

After trial, the Sessions Judge acquitted the appellant of the Section 366 charge but convicted him under Section 376. On 1 June 2012, he was sentenced to ten years' rigorous imprisonment and a fine of Rs5,000. The Punjab and Haryana High Court affirmed the conviction on 12 September 2013.

The Supreme Court granted leave in January 2015 and released the appellant on bail after noting that he had already undergone almost six years of the ten-year sentence. The final judgment examined whether the conviction could survive the evidentiary findings already made in relation to the connected Section 366 charge.

Why age mattered to the statutory analysis

The alleged events occurred in June 2009, so the Court applied Sections 375 and 376 IPC as they stood before the 2013 amendments.

The prosecution relied on school material to contend that the prosecutrix was about 15 years old. The trial court, however, found that the documentary and oral evidence did not prove the asserted date of birth beyond reasonable doubt. The radiologist who conducted the ossification test estimated her age at

17 to 19 years and accepted in cross-examination that she could be more than 18 but less than 19.

The Sessions Judge treated her as 19 years old. On that basis, the prosecution had not proved kidnapping from lawful guardianship, which required the female to be under 18. That unchallenged finding became final and also meant that the statutory question turned on whether intercourse was against her will or without her consent, rather than on the rule then applicable to a girl under 16.

The acquittal under Section 366 IPC

For abduction under Section 362, the prosecution had to show force or deceitful inducement. The trial court closely examined the prosecutrix's account of travelling through busy and brightly lit streets, riding as a pillion passenger from Ludhiana to Malerkotla, and passing intersections without raising an alarm or attempting to leave.

It concluded that the prosecution had not proved that she accompanied the appellant without consent. The appellant was therefore acquitted under Section 366, and neither the State nor the informant challenged that finding.

The Supreme Court considered the Section 366 analysis relevant because both charges arose from the same alleged course of conduct and the same principal testimony. The finality of the acquittal did not mechanically decide the rape charge, but the reasoning used to reject the account could not be ignored when assessing the reliability of that same account under Section 376.

The contradictions the Supreme Court found material

The prosecutrix said in examination-in-chief that she and the appellant returned from Malerkotla to Ludhiana by car and were apprehended at Railway Colony No. 5. In cross-examination, she said they returned by train, travelled without tickets in a crowded compartment, and that she disclosed nothing to nearby passengers. The Court regarded those versions as directly inconsistent.

Her account also involved several days of travel and stay, including movement through crowded public places, without an attempt to seek help during the journeys. The Court considered that conduct together with the contradictions, the trial court's unchallenged Section 366 findings, and the medical evidence.

The examining doctor found no external injury and no injury to the private parts. The vaginal swab showed spermatozoa, but the Supreme Court held that this established sexual intercourse, not necessarily rape. In the surrounding evidentiary circumstances, the medical finding did not independently prove that intercourse was forced or without consent.

Why selective reliance on the same testimony failed

The trial court recognized that acquittal for abduction and conviction for rape might appear inconsistent. It nevertheless reasoned that a woman may agree to travel or stay with a man without consenting to sexual intercourse. As an abstract proposition, the Supreme Court accepted that this can be true and criticized the trial judge's use of the phrase "daring women" as wholly unnecessary.

The problem was not the legal proposition that consent to travel is different from consent to sex. The problem was evidentiary: after rejecting the prosecutrix's account on the intertwined Section 366 charge, the courts below did not identify a sufficiently reliable basis for accepting the disputed portion of the same materially contradictory account under Section 376.

The Supreme Court held that a conviction may rest on the sole testimony of the prosecutrix where that testimony inspires confidence. Here, however, the evidence was not of unimpeachable character. It could not be partly rejected and partly accepted across the connected charges without a reasoned and credible evidentiary foundation.

Section 114A did not cure the defect

The High Court relied on Section 114A of the Indian Evidence Act, 1872 and treated the prosecutrix's denial of consent as attracting a presumption that she had not consented.

The Supreme Court held that her denial had to be evaluated in the context of her testimony as a whole. A statutory presumption did not require the court to disregard material contradictions or accept an

account that failed the threshold test of credibility on the record before it.

The judgment should not be read as eliminating Section 114A. Its point is narrower: the presumption operates within the evidentiary framework of the case and does not transform every internally unreliable assertion into proof beyond reasonable doubt.

Immorality is not proof of a criminal offence

The Court drew a sharp line between moral disapproval and legal proof. It observed that the appellant's conduct might be described as immoral or unethical, but that characterization could not substitute for clinching evidence of the ingredients of Section 376.

Criminal liability must be based on proved facts, not conjecture or a judge's personal value judgment. That principle was especially important because the trial court had tried to reconcile inconsistent findings by relying on assumptions about how a woman might behave.

The judgment therefore reinforces two safeguards at once: courts must not use stereotypes to disbelieve a complainant, and they must not use moral condemnation to fill material gaps in proof against an accused.

The final order

The Supreme Court allowed the criminal appeal. It set aside the Sessions Judge's judgment dated 1 June 2012 and the Punjab and Haryana High Court judgment dated 12 September 2013. The appellant was cleared of the charge under Section 376 IPC.

The outcome was an acquittal based on the evidentiary record in this case. It was not a general declaration that a rape allegation requires corroboration or that a complainant's testimony can never be sufficient on its own.

What the judgment means for criminal trials

For trial courts, findings on interconnected charges must be reconciled through evidence rather than labels. If a principal witness is disbelieved on one charge, the judgment should explain precisely why a severable part of the testimony remains reliable for another.

For prosecutors, age evidence must be proved through legally dependable material when the statutory consequence depends on whether the complainant crossed a specified threshold. Medical evidence showing intercourse must also be distinguished from proof that the act was without consent.

For defence counsel, contradictions should be assessed for materiality. Minor discrepancies do not destroy otherwise credible testimony, but conflicting accounts of travel, recovery and the surrounding course of conduct may become decisive when they affect the core prosecution narrative.

For appellate courts, Section 114A should be applied after identifying the governing statutory conditions and assessing the testimony as a whole. A presumption cannot replace the foundational judicial inquiry into credibility and the prosecution's obligation to prove guilt beyond reasonable doubt.

What the judgment does not hold

The decision does not hold that a person who voluntarily travels with someone has consented to sexual intercourse. The Supreme Court expressly recognized that consent to accompany or stay with a person is legally distinct from consent to sex.

It does not establish that failure to raise an alarm, absence of injuries or delayed disclosure automatically disproves rape. Those circumstances were considered as part of the complete and unusually contradictory record in this case.

It does not require corroboration in every prosecution under Section 376. The Court reaffirmed that the sole testimony of the prosecutrix can sustain conviction when it is credible and inspires confidence.

It does not authorize courts to rely on stereotypes about how a victim should behave. The Court itself rejected the trial judge's unnecessary characterization of women and required the decision to rest on evidence rather than moral assumptions.

It also does not state the law for every offence committed after the 2013 criminal-law amendments or under India's later criminal codes. The Court applied the provisions governing conduct alleged to have occurred in 2009.

The controlling legal position

Paramjit Singh Bedi is best understood as a decision about coherent fact-finding. Where kidnapping or abduction and rape allegations arise from one narrative, a court cannot reject the central witness's evidence for the first charge and accept it for the second without demonstrating why the accepted portion remains trustworthy.

The judgment preserves the rule that credible sole testimony may be enough, while insisting that credibility must be tested on the whole record. It also warns against substituting either moral disapproval or assumptions about conduct for proof of the statutory ingredients.

This commentary is independent legal analysis for research and general information. The complete judgment, trial record, statutory text applicable on the date of the alleged offence, and later judicial treatment should be checked before reliance in proceedings.