



2025:CGHC:14246-DB

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1724 of 2023**

Rajelal Meravi S/o Shri Samal Singh Meravi Aged About 27 Years R/o Village Singbora, Police Station-Salhewara, District- Khairagarh-Chuikhadan-Gandai, Chhattisgarh.

**... Appellant(s)
(In Jail)**

versus

State of Chhattisgarh Through Police Station-Salhewara, District-Khairagarh-Chuikhadan-Gandhi, Chhattisgarh.

...Respondent(s)

For Appellant : Mr. Amit Buxy, Advocate.
For Respondent/State : Mr. Nitansh Jaiswal, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

25.03.2025

1. Heard Mr. Amit Buxy, learned counsel for the appellant. Also heard Mr. Nitansh Jaiswal, learned Panel Lawyer, appearing for the respondent/State.

2. This criminal appeal under Section 374(2) of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") is directed against the impugned

judgment of conviction and order of sentence dated 22.06.2023 passed by the learned Special Upper Session Judge, Khairagarh (C.G.) in Special Sessions Case No. 35 of 2021, whereby the accused-appellant has been convicted and sentenced as under :-

Conviction under Section	Sentence
Section 342 of the Indian Penal Code (<i>for short, 'IPC'</i>)	Rigorous imprisonment (<i>for short, 'R.I.'</i>) for 01 year and fine of Rs. 500/-, in default of payment of fine, 01 month R.I. more.
Section 363 of the IPC	07 years R.I. and fine of Rs. 1,000/-, in default of payment of fine, 02 months R.I. more.
Section 3/4 of the Protection of Children from Sexual Offences Act, 2012 (<i>for short, 'POCSO Act'</i>)	Life imprisonment and fine of Rs.2,000/-, in default of payment of fine, 04 months additional imprisonment.
<i>All the sentences were directed to run concurrently</i>	

3. Case of the prosecution, in brief, is that on 13.11.2021, at about 12:30 p.m., the complainant, father (PW-5) of the victim, lodged a written complaint at Salhewara Police Station, stating that on the night of 11.11.2021, at about 8:30 p.m., he fell asleep after dinner, and his daughter, the victim (PW-2), was playing outside. When he woke up, his wife told him that the victim was missing. They searched for the victim and found her at the house of the accused, crying and frightened. The victim told her father that around 9.00 p.m., while she was on her way to her aunt's house, the accused caught her, covered her mouth with a gamcha

(scarf), and threatened to kill her if she screamed. He then took her to his house and raped her twice. The victim was too scared to tell anyone. On the basis of above complaint, the Police registered the FIR (Ex.P/11) against the accused for the offences punishable under Sections 376(2) (d), 506, and 342 of the IPC and Sections 4 and 5 of the Protection of Children from Sexual Offences Act, 2012. The statement of the victim vide Ex.P/4 was recorded before a Judicial Magistrate, and her medical examination was conducted vide Ex.P/28 with her guardian's consent (Ex.P/2). Witnesses statements were recorded, and a site plan and map of the crime scene were prepared. The seized property was sent to the FSL for analysis. Thereafter, the accused was arrested vide Ex.P/17.

4. After completing the investigation, a charge-sheet was filed against the accused under Sections 342, 363, 376(2)(j)(d), 376(3) and 506-II of the IPC and Section 3 under Section 4(2) of the POCSO Act before the learned Special Upper Session Judge, Khairagarh (C.G.) and the case was registered as Special Session Case No. 35 of 2021. The statements of witnesses were recorded.

5. Learned trial Court framed charges for the offences punishable under Sections 342, 363, 376(2)(j)(d), 376(3) and 506-II of the IPC and Section 3 under Section 4(2) of the POCSO Act against the appellant.

6. In order to establish the charges against the appellant, the prosecution examined as many as 14 witnesses and exhibited 34 documents. The statement of the appellant under Section 313 of Cr.P.C. was also recorded, in which he denied the materials appearing against him and stated that he is innocent and he has been falsely implicated in

the case. After appreciation of evidence available on record, the learned trial Court has convicted the accused/appellant and sentenced him as mentioned in paragraph-2 of the judgment. Hence, this appeal.

7. It has been argued by the learned counsel for the accused/appellant, the prosecution witness have made contradictory statements and there are so many omissions and improvements in their statements and as such their statement do not inspire confidence so as to convict the appellant. He further argued that the learned trial Court erred in interpreting MLC and FSL reports and statement of Dr. Shweta Koumarya (PW-12) and has also failed to consider that there is nothing in medical report to show that forcible sexual intercourse was committed upon the victim. The learned trial Court had not considered the whole evidence in its totality and only appreciated the evidence of victim (PW-2). He further submits that the learned trial Court has erred in believing the statement of the victim because there is large number of contradictions amongst the statement of the prosecution witnesses. There is no legally admissible evidence in support of age of the victim showing her to be minor on the date of incident. He also submits that no ossification test of the victim was conducted to ascertain her exact age. Thus, there is no authentic proof of age of the victim. He lastly submits that the learned trial Court has awarded the sentence of life imprisonment, which would mean imprisonment for rest of the natural life which is too harsh considering the evidence available on record and the same may be converted to rigorous imprisonment for 20 years. As such, the appeal deserves to be allowed in full or in part.

8. On the other hand, learned State Counsel opposed the submissions of learned counsel for the appellant and submitted that the offences committed by the appellant were heinous in nature and thus, the learned trial court had rightly convicted him. He submitted that the trial Court had considered all the arguments made by the appellant and there was sufficient evidence to prove his guilt beyond a reasonable doubt. Moreover, the victim was minor and aged about 13 years 08 months and 23 days at the time of incident which is proved by the Admission-Discharge register (Ex.P/22C) which contains the date of birth of the victim as 19.02.2008. The evidence of the victim need not be required for any corroboration and on the sole testimony of the victim the conviction can be made. Therefore, there is no illegality or infirmity in the findings of the learned trial Court and the impugned judgment of conviction and order of sentence needs no interference.

9. We have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the original records of the learned trial Court with utmost circumspection and carefully as well.

10. In the present case conviction of the accused/appellant is substantially based on the testimonies of the victim (PW-2), father of the victim (PW-5), mother of the victim (PW-1) and Admission-Discharge register (Ex.P/22C) of the victim.

11. As per case of the prosecution, the date of birth of the victim is 19.02.2008 and on this basis, on the date of incident *i.e.* 11.11.2021, the age of the victim was 13 years 08 months and 23 days. To substantiate

this fact, prosecution has adduced Admission-Discharge register of Government Primary School, Singbora, Thana Salhewara, District Rajnandgaon (C.G.), which has been proved by the Head Master of the said school Bhagwat Meravi (PW-9). This witness has clearly deposed in his deposition that in the Admission-Discharge register information with regard to victim has been noted in Sl.No. 135 and she was admitted in Class-I on 16.06.2019. He has also stated that as per this Register, the date of birth of victim is 19.02.2008.

12. The date of birth of the victim was recorded as 19.02.2008 in the Admission-Discharge register prior to 02 years of the present incident and on the basis of which victim was found to be aged about 13 years 08 months and 23 days on the date of incident. The appellant did not adduce any evidence to discard aforesaid age of the victim.

13. Thus, on the basis of aforesaid oral and documentary evidence, we find that the learned trial Court has rightly held in paragraph 25 of the impugned judgment that on the date of incident the victim was child *i.e.* below the age of 16 years.

14. Regarding the allegation of rape committed by the appellant against the victim, the victim (PW-2), stated in her examination-in-chief that she knew the accused, Rajelal Meravi. She resided in Singbora village. Prior to three months of the incident, she was playing with her brother near her house around 9:00 p.m. After playing, she was on her way to her aunt Pantorin's house when the accused caught hold of her near a tendu tree, covered her mouth, and took her to his house, where he raped her twice. The next morning, the parents of the victim found her at the accused's

house and took her home. Later, a village meeting was convened, and the parents of the victim, along with villagers, went to the Salhewara Police Station to lodge the report. The Police recorded the statement of the victim and asked for her underwear and gamcha (scarf), which she provided.

15. The prosecution witnesses, including the victim's mother (PW-1) and the victim's father (PW-5), have corroborated the statement of the victim (PW-2). They further stated that when her daughter was missing, they searched for her and found her at the house of the accused, where she was being raped. Subsequently, the parents of the victim and villagers convened a meeting, where the accused was confronted. However, the accused refused to apologize or take responsibility for his actions. Consequently, the victim's parents lodged a Police report against the accused.

16. Investigating Officer, Duvendra Singh (PW-13), stated in his deposition that on 13.11.2021, he was stationed at Salhewara Police Station when the victim's father (PW-5) lodged a written complaint (Ex.P/10) against the accused. The complaint alleged that the accused had forcibly taken the victim to his house and raped her. Based on this complaint, a FIR (Ex.P/11) was registered against the accused/appellant.

17. Dr. Shweta Koumarya (PW-12), the medical officer who examined the victim, testified that on 13.11.2021, the victim was brought before her for examination by Lady Constable, namely, Archana Tigga, No. 835 of the Police Station Salhewara. During the examination, the victim's mother (PW-1) and the victim (PW-2) gave their consent for a physical

examination. After the examination, it was found that the victim had a mole near her left eye and another on her right cheek. The victim's menstruation started at the age of 13, and her last menstrual period was the previous month, although she could not recall the exact date. During the examination, her condition was normal, with no signs of internal or external injuries. Secondary sexual characteristics were developed. Internal examination revealed no signs of injury to the victim's genitalia, and her hymen was found to be an old tear. During the examination, four vaginal slides were prepared, sealed, and handed over to the Lady Constable for further examination at the FSL. The victim was referred to a radiologist and a gynecologist for age determination and expert opinion. Additionally, a urine pregnancy test (UPT), sonography of the abdomen and pelvis, HIV test, HBsAg, and psychiatric opinion were advised. In her opinion, based on the examination, there were no signs of forced intercourse or injuries to the victim's genitalia or external body parts. Her examination report is Ex.P/25.

18. Dr. Manish Baghel (PW-14), who has examined the accused, had stated that on general examination he found that the accused was normal and his mental condition was also normal. His secondary sexual characteristics were fully developed. Cremastic reflex was present, there was no injury on his body and smegma was present. According to his opinion, the accused was capable to commit sexual intercourse. The report given him is Ex.P/29.

19. In view of above discussion, we also affirm finding recorded by the trial Court that the appellant is the perpetrator of instant crime.

20. During course of submission learned counsel for the appellant draw our attention towards some contradictions and omissions in depositions of the prosecution witnesses, but the Hon'ble Supreme Court in the case of ***State of Punjab vs. Gurmit Singh***, reported in ***(1996) 2 SCC 384***, while considering the reliability of the statement of the victim has held that *“minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault was enough for conviction and does not require corroboration unless there were compelling reasons for seeking corroboration. The Court may look for some assurances of her statement to satisfy judicial conscience”*. The same was reiterated in ***Pappu vs. State of Uttar Pradesh***, reported in ***2022 SCC OnLine SC 176***.

21. Learned counsel for the appellant during course of argument also raised objection that except victim there is no credible evidence in support of her statement even deposition of her father and mother is based on information given by victim and medical evidence also does not corroborate, therefore, only on the basis of deposition of victim holding the appellant guilty by the learned trial Court is not sustainable.

22. We are not inclined with the submission made by learned counsel for the appellant as it is settled proposition of law that conviction of the accused could be based on sole testimony, without corroboration and it has also been held that the sole testimony of victim should not be doubted by the Court merely based on assumptions and surmises.

23. In the case of ***Ganesan vs. State***, reported in ***(2020) 10 SCC 573***,

the Hon'ble Supreme Court observed and held that there can be a conviction on the sole testimony of the victim/prosecutrix when the deposition of the victim is found to be trustworthy, unblemished, credible and her evidence is of sterling quality. In the aforesaid case, the Hon'ble Supreme Court had an occasion to consider the series of judgments on conviction on the sole evidence of the victim. In paragraphs 10.1 to 10.3, it was observed and held as under:

*“10.1. Whether, in the case involving sexual harassment, molestation, etc., can there be conviction on the sole evidence of the prosecutrix, in **Vijay [Vijay vs. State of M.P., (2010) 8 SCC 191]**, it is observed in paras 9 to 14 as under: (SCC pp. 195-98)*

*“9. In **State of Maharashtra vs. Chandraprakash Kewalchand Jain [State of Maharashtra vs. Chandraprakash Kewalchand Jain, reported in (1990) 1 SCC 550]** this Court held that a woman, who is the victim of sexual assault, is not an accomplice to the crime but is a victim of another person's lust and, therefore, her evidence need not be tested with the same amount of suspicion as that of an accomplice. The Court observed as under: (SCC p. 559, para 16)*

‘16. A prosecutrix of a sex offence cannot be put on a par with an accomplice. She is in fact a victim of the crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated

in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence. 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. What is necessary is that 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. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her testimony short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not

trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence.'

10. In **State of U.P. vs. Pappu [State of U.P. vs. Pappu, reported in (2005) 3 SCC 594]** this Court held that 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. Absence of injury on the prosecutrix may not be a factor that leads the court to absolve the accused. This Court further held that there can be conviction on the sole testimony of the prosecutrix and in case, the court is not satisfied with the version of the prosecutrix, it can seek other evidence, direct or circumstantial, by which it may get assurance of her testimony. The Court held as under: (SCC p. 597, para 12)

'12. It is well settled that a prosecutrix complaining of having been a victim of the offence of rape is not an accomplice after the crime. There is no rule of law that her testimony cannot be acted upon without corroboration in material particulars. She stands at a

higher pedestal than an injured witness. In the latter case, there is injury on the physical form, while in the former it is both physical as well as psychological and emotional. However, if the court of facts finds it difficult to accept the version of the prosecutrix on its face value, it may search for evidence, direct or circumstantial, which would lend assurance to her testimony. Assurance, short of corroboration as understood in the context of an accomplice, would do.'

11. In State of Punjab vs. Gurmit Singh [State of Punjab vs. Gurmit Singh, reported in (1996) 2 SCC 384], this Court held that in cases involving sexual harassment, molestation, etc. the court is duty-bound to deal with such cases with utmost sensitivity. Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault is enough for conviction and it does not require any corroboration unless there are compelling reasons for seeking corroboration. The court may look for some assurances of her statement to satisfy judicial conscience. The statement of the prosecutrix is more reliable than that of an injured witness as she is not an accomplice. The Court further held that 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. The Court observed as under: (SCC pp. 394-96 & 403, paras 8 & 21)

'8. ...The court overlooked the situation in which a poor helpless minor girl had found herself in the company of three desperate young men who were threatening her and preventing her from raising any alarm. Again, if the investigating officer did not conduct the investigation properly or was negligent in not being able to trace out the driver or the car, how can that become a ground to discredit the testimony of the prosecutrix? The prosecutrix had no control over the investigating agency and the negligence of an investigating officer could not affect the credibility of the statement of the prosecutrix. ...The courts must, while evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the

discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. ...Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. ...Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances. ...

21. ...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. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations.'

12. In **State of Orissa vs. Thakara Besra** [**State of Orissa vs. Thakara Besra**, reported in (2002) 9 SCC 86], this Court held that rape is not mere physical assault, rather it often distracts (sic destroys) the whole personality of the victim. The rapist degrades the very soul of the helpless female and, therefore, the testimony of the prosecutrix must be appreciated in the background of the entire case and in such cases, non-examination even of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witnesses had not seen the commission of the offence.

13. In **State of H.P. vs. Raghbir Singh** [**State of H.P. vs. Raghbir Singh**, reported in (1993) 2 SCC 622], this Court held that there is no legal compulsion to look for any other evidence to corroborate the evidence of the prosecutrix before recording an order of conviction. Evidence has to be weighed and not counted. Conviction can be recorded on the sole testimony of the prosecutrix, if her evidence inspires confidence and there is absence of circumstances which militate against her veracity. A similar view has been reiterated by this Court in **Wahid Khan vs. State of M.P.** [**Wahid Khan vs. State of M.P.**, reported in (2010) 2 SCC 9] placing reliance on an earlier judgment in **Rameshwar vs. State of**

Rajasthan [Rameshwar vs. State of Rajasthan, reported in AIR 1952 SC 54].

14. Thus, the law that emerges on the issue is to the effect that the statement of the prosecutrix, if found to be worthy of credence and reliable, requires no corroboration. The court may convict the accused on the sole testimony of the prosecutrix.”

10.2. In Krishan Kumar Malik vs. State of Haryana [Krishan Kumar Malik vs. State of Haryana, reported in (2011) 7 SCC 130], it is observed and held by this Court that to hold an accused guilty for commission of an offence of rape, the solitary evidence of the prosecutrix is sufficient, provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality.

10.3. Who can be said to be a “sterling witness”, has been dealt with and considered by this Court in **Rai Sandeep vs. State (NCT of Delhi) [Rai Sandeep vs. State (NCT of Delhi), reported in (2012) 8 SCC 21].** In para 22, it is observed and held as under: (SCC p. 29)

“22. In our considered opinion, the “sterling witness” should be of a very high quality and caliber whose version should, therefore, be unassailable. The court

considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as the sequence of it. Such a version should have co-relation with each and every one of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be

any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other such similar tests to be applied, can it be held that such a witness can be called as a “sterling witness” whose version can be accepted by the court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged.”

24. In the case of ***State (NCT of Delhi) vs. Pankaj Chaudhary***, reported in ***(2019) 11 SCC 575***, it was observed and held that as a general rule, if credible, conviction of accused can be based on sole testimony, without corroboration. It was further observed and held that sole testimony of victim should not be doubted by Court merely on basis of assumptions and surmises. In paragraph 29, it was observed and held as under:

“29. It is now well-settled principle of law that conviction can be sustained on the sole testimony of the prosecutrix if it inspires confidence. [Vishnu vs.

State of Maharashtra [Vishnu vs. State of Maharashtra, reported in (2006) 1 SCC 283]. It is well-settled by a catena of decisions of this Court that there is no rule of law or practice that the evidence of the prosecutrix cannot be relied upon without corroboration and as such it has been laid down that corroboration is not a sine qua non for conviction in a rape case. If the evidence of the victim does not suffer from any basic infirmity and the “probabilities factor” does not render it unworthy of credence, as a general rule, there is no reason to insist on corroboration except from medical evidence, where, having regard to the circumstances of the case, medical evidence can be expected to be forthcoming. ***[State of Rajasthan vs. N.K. [State of Rajasthan vs. N.K., reported in (2000) 5 SCC 30].***”

25. In the case of ***Sham Singh vs. State of Haryana***, reported in ***(2018) 18 SCC 34***, the Hon’ble Supreme Court observed that testimony of the victim is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of the victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. It was further observed that seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. In paragraphs 6 and 7, it was observed and held as under:

“6. We are conscious that the courts shoulder a great responsibility while trying an accused on charges of rape. They must deal with such cases with utmost sensitivity. 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. If the evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations or sexual assaults. [See State of Punjab vs. Gurmit Singh [**State of Punjab vs. Gurmit Singh**, reported in (1996) 2 SCC 384] (SCC p. 403, para 21).]*

7. *It is also by now well settled that the courts must, while evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. The inherent bashfulness of the females and the tendency to conceal outrage of sexual aggression are factors which the courts should not overlook. The testimony of the victim in such cases is vital and*

*unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. (See Ranjit Hazarika vs. State of Assam [**Ranjit Hazarika vs. State of Assam**, reported in (1998) 8 SCC 635]).”*

26. Considering the aforesaid facts and circumstances of the case, particularly the evidences of the victim (PW-2), mother (PW-1) of the victim, father (PW-5) of the victim and admission-discharge register (Ex.P/22C), it is quite clear from the documentary and oral evidence presented by the prosecution on record and its analysis that the accused/appellant abducted the victim from her lawful guardianship and she was subjected to penetrative sexual assault by the accused/appellant. The prosecution has also been successful in proving beyond reasonable doubt that on the date of the incident the victim was minor *i.e.* below the age of 16 years and the accused on the said date, time and place, committed penetrative sexual assault with the minor victim. Thus, this Court comes to the conclusion that the prosecution has succeeded in proving its case beyond all reasonable doubts against the appellant.

27. Consequently, the conviction and sentence as awarded by the learned trial Court under Sections 342 and 363 of the IPC is hereby upheld. So far as the conviction under Section 3/4 of the POCSO Act is concerned, the same is also upheld, however, this Court is of the view that

the sentence of life imprisonment which would mean imprisonment for rest of the natural life, is too harsh and instead, the same is converted to rigorous imprisonment for 20 years. The imposition of fine amount and the default sentence is upheld.

28. The appellant is stated to be in jail since 17.11.2021 being the date of arrest. He is directed to serve out the sentence as modified above.

29. The criminal appeal is **partly allowed** to the extent indicated herein-above.

30. Registry is directed to send a certified copy of this judgment along with the original record of the case to the trial court concerned forthwith for necessary information and compliance and also send a copy of this judgment to the concerned Superintendent of Jail where the appellant is undergoing his jail sentence to serve the same on the appellant informing him that he is at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**