



2026:CGHC:26562-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1754 of 2024

1 - Aman Kumar Vishwakarma S/o Rajendra Vishwakarma, Aged About 21 Years, R/o Ward No. 07, Village-Ravelideah, P.S.-Nandini Nagar, District-Durg (C.G.)

... Appellant

versus

1 - State of Chhattisgarh Through- Station House Officer, P.S.-Nandini Nagar, District- Durg (C.G.)

... Respondent

(Cause-title taken from Case Information System)

For Appellant : Ms. Sareena Khan, Advocate.

For State : Mr. Priyank Rathi, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

30-06-2026

1. Learned counsel for the State submits that notice issued to the complainant has been served upon father of the victim on 17-06-2026.
2. The matter has been listed for hearing on I.A. No.01/2025, application for suspension of sentence and grant of bail. No one appeared on behalf of the complainant/victim to make their submission on I.A. No.01/2025.

3. Though the matter has been listed on motion hearing, however, with the consent of the parties the appeal has been heard finally. In view of the same, I.A. No.01/2025 is disposed of.
4. The present criminal appeal has been filed under Section 415(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short ‘BNSS’) against the the impugned judgment of conviction and order of sentence dated 19-07-2024 passed by learned Additional Sessions Judge, IVth F.T.S.C. Durg, (C.G.) in Special Criminal Case (POCSO) No.32/2023 whereby the appellant has been convicted and sentenced in the following manner :-

Conviction	Sentence
Under Section 6 of Protection of Children from Sexual Offences Act, 2012	R.I. for life (till natural death) and fine of Rs. 5,000/-, in default of payment of fine additional R.I. for 01 year.
Under Section 376AB of the IPC	No separate sentence has been awarded.

5. The prosecution case in brief is that, the mother of the victim, PW-4, lodged a written report to the police station Nandini Nagar, District- Durg on 15-02-2023 that at about 11:00 a.m. when she came back to her house from her work and went to the school of her daughter to bring her back, after seeing her, her daughter started crying. The teachers informed her that her daughter is continuously crying since the time when she came to school. When she asked from her daughter she informed pain on her private part and informed that her neighbour Aman Kumar Vishwakarma (appellant) has committed bad work with her. She took her daughter back to her house and saw the injury on her

private part and then she took her to Nankatti Hospital where Doctor informed about sexual abuse with her daughter. She informed her family members and then lodged the report. The police registered the FIR Ex.-P/1 against the appellant for the offence under Section 376 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act'). The victim was sent for her medial examination to Community Health Center Ahiwara, District Durg where she was medically examined by Doctor Priyanka Patale, PW-9 who gave her report Ex.-P/8. According to the MLC report, redness found present over vaginal region and the doctor opined that no definite opinion can be given and advised for gynecologist opinion and referred to District Hospital Durg for further management and needful. Two vaginal slides were prepared, sealed and handed over to police for its chemical examination. Pursuant to the reference the victim referred to District Hospital Durg where she was admitted on 15-02-2023 and medically examined by Doctor Smita who gave her MLC report Ex.-P/10 and opined that the girl can be assaulted as there is old hymen ruptured and slight redness present over labia minora. She also advised for chemical examination of slides for confirmation and advised X-ray for age determination. Spot map Ex.-P/3 was prepared by police and Ex.-P/4 was prepared by Patwari. With respect to the age and date of birth of the victim the birth certificate of the victim Article A/1 has been seized vide seizure memo Ex.-P/5 and according to the birth

certificate the date of birth of the victim is 05-12-2016. Her school register Article A/2(C) has also been seized vide seizure memo Ex.-P/7. The appellant was arrested on 16-02-2023 and he too was sent for his medical examination to Community Health Center Ahiwara where he was medically examined by the doctor and found to be capable for sexual intercourse. From the appellant his underwear has been seized vide seizure memo Ex.-P/13 which was sent for its query report to the doctor who referred it for chemical examination. The vaginal slide of the victim, her underwear and underwear of the appellant was sent for its chemical examination to State FSL, Raipur from where report Ex.-P/21 was received and semen and sperms were found on the underwear of the victim Article B and underwear of the appellant Article D. However, no semen or sperm were found on the vaginal slide of the victim. Statement of the victim under Section 164 of the Cr.P.C. has been recorded. Statement under Section 161 of the Cr.P.C. of the other witnesses have also been recorded and after completion of the usual investigation charge sheet was filed against the appellant for the offence under Section 376, 376AB of the IPC and Section 4 of POCSO Act before the learned trial Court.

6. The learned trial Court has framed charge against the appellant for the for the offence under Section 376AB of the IPC and Section 6 of POCSO Act. The appellant denied the charge and claimed trial.

7. In order to prove the charge against the appellant, the prosecution has examined as many as 13 witnesses. The statement of appellant under Section 313 CrPC has also been recorded in which he denied the circumstances that appears against him, pleaded innocence and has submitted that he is innocent and has been falsely implicated in the offence. He had gone to his duty at about 07:00 a.m. and he did nothing with the victim.
8. After appreciation of oral as well as documentary evidence led by the prosecution, the learned trial Court has convicted and sentenced the appellant as mentioned in the earlier part of this judgment. Hence this appeal.
9. Learned counsel appearing for the appellant would submit that the prosecution has failed to prove its case beyond reasonable doubt. There are material omissions and contradictions in the evidence of the prosecution witnesses. The evidence of the victim is not sufficient to hold conviction of the appellant in the alleged offence. She being a tutored witness cannot be relied upon and her evidence is contradictory to the evidence of her mother PW-4. The victim was being taken to the school by her uncle, however, she does not disclose any incident to him and after thought story has been developed by her mother to implicate the present appellant in the offence in question. She would further submit that though the redness has been found on the private part of the victim, but the doctor could not opine that she was subjected to sexual intercourse. The redness on the private part can be found for

various reasons like any infection or self rubbing on that part of the body. In the FSL report, no sperm or semen were found on the vaginal slide of the victim. The evidence produced by the prosecution are inconsistent and the appellant is entitled for benefit of doubt and acquittal from the alleged offence.

10. Per contra, the learned counsel for the State opposes the submissions made by learned counsel for the appellant and has submitted that the prosecution has proved its case beyond reasonable doubt. But for minor omissions and contradictions the evidence of prosecution witnesses are reliable and sufficient to hold the appellant guilty for the alleged offence. Prompt report has been lodged by the mother of the victim naming the appellant. The victim who is a minor girl aged about 7 years duly supported the prosecution case that the appellant committed the offence with her. The appellant could not explain for his false implication that too by a minor aged about 7 years. The injuries have been noticed on the private part of the victim and in the FSL report semen and sperm were found on her underwear. The other witnesses, i.e., mother and father of the victim have also corroborated the evidence of the victim and thus, there is sufficient evidence on record pointing towards the guilt of the appellant that he committed rape upon the victim. He would further submit that the judgment passed by the learned trial Court is based on proper appreciation of the evidence which does not suffer from any perversity and the appeal filed by the appellant is

liable to be dismissed.

11. We have heard the counsel for the parties and perused the records of the trial Court with utmost circumspection.
12. The first and foremost question arises for consideration would be the age of the victim, although the appellant has not seriously disputed the age of the victim. The prosecution has proved age of the victim from the documents, her birth certificate Article A/1 and school record Article A/2. In both these documents the date of birth is recorded as 05-12-2016. The birth certificate of the victim has been proved by PW-4, i.e., mother of the victim. The said birth certificate Article A/1 is issued by the Registrar, Birth and Death, which is statutory document and admissible in evidence. The appellant could not able to dispute the said birth certificate of the victim which has been proved by her mother, PW-4. Further, the date of birth of the victim is supported by another document school register Article A/2(C) which has been proved by the Head Master of the school, PW-8. Though he stated in his evidence that he is not the author of the school register and the school register is authored by In-charge lady teacher of the school, however, even if he is not the author of the school register and keeping aside the said school register there is sufficient evidence available on record including the birth certificate of the victim Article A/1. The prosecution has sufficiently proved that the victim was aged about 7 years at the time of incident and there is sufficient and cogent evidence available on record to that effect and the learned

trial Court has rightly concluded about the age of the victim by holding that on the date of incident the victim was aged about 6 years, 2 months and 10 days.

13. Another question arises for consideration would be involvement of the appellant in the offence in question.
14. PW-1 is the victim of the offence. She stated in her evidence that the appellant committed wrong with her. He removed her underwear and applied oil on her private part. She made gesture by putting her hand on her private part that the appellant committed bad work on that part of her body. In cross-examination she remained firm that the appellant committed bad work with her. From the victim, PW-1 nothing more could be expected that she could give minute to minute detail of the incident. In such a tender age of 6 years and 2 months she sufficiently described the incident which she suffered. The defence could not be able to abstract any material from her cross-examination to disbelieve her evidence.
15. PW-4 is the mother of the victim. She stated in her evidence that at about 11:00 a.m. when she had gone to school of her daughter to bring her back, she found that she was crying. She took her back to her house and after seeing the appellant she informed that he committed bad work with her. When she saw her body she found bleeding from her private part and injury was there. When she asked from her she disclosed that the appellant took her to his house by alluring that he will give her chocolate and biscuit.

When she had taken the victim to the doctor at Nankatti hospital the doctor informed that she has subjected to rape, thereafter she called the Panch and Sarpanch of the village and informed her family members and then lodged the report. In cross-examination she stated that on the date of incident her brother-in-law had gone to school to drop her daughter. Though she admitted that at the time of going to school the victim had not informed anything to her brother-in-law, but she stated that when she had gone to school to bring her back she found the victim crying. Though the appellant tried to abstract the material that he was not present there at the time of incident and he had gone to his duty to which the witness replied that she did not know about his routine. From her cross-examination the appellant could not be able to rebut the allegation made by her and the appellant could not establish the plea of alibi. Although she stated about the allegation on the information given by the victim, but there is no contradiction in the evidence of this witness with the evidence of the victim.

16. PW-2 is the father of the victim. He stated in his evidence that he is a bus conductor and he was informed about the incident when he was in duty and then on 19th he returned back to his house and then came to know about the incident.
17. PW-3 is the elder mother of the victim. She stated in her evidence that on the date of incident she along with the mother of the victim and her mother-in-law had gone to their work at 06:30 a.m. At about 11:00 a.m. when the mother of the victim had gone to her

daughter's school to bring her back, the victim informed about the incident that the appellant committed rape upon her. She also complained about pain on her private part and when the mother of the victim saw her body she found injury on her private part. Thereafter, she was informed about the incident and then they lodged the report. Nothing in her cross-examination also to disbelieve her evidence. This witness also not the witness to the incident or any act of the appellant, but she corroborates the evidence of the mother of the victim, PW-4 that when she had gone to the school to bring her back, the victim informed about the incident.

18. PW-5 is the neighbour of the victim and witnessed the identification of the appellant by the victim. She stated in her evidence that when she was informed about the incident the appellant was also called there and then the victim identified the appellant that he committed bad work with her.
19. PW-6 is the Sarpanch of the village. She too is a witness of identification of the appellant by the victim when the appellant was called in the house of the victim when the incident was informed by her.
20. PW-9 Doctor Priyanka Patale medically examined the victim. She stated in her evidence that on 16-02-2023 she medically examined the victim and found redness on her private part. There was no other external injuries on her body and she complained pain on lower abdominal part. Two vaginal slides were prepared

and she referred to higher center for further management and also referred for age determination. In her report Ex.-P/8 she opined that no definite opinion can be given. In cross-examination she admitted that after preliminary examination she referred her to Durg hospital. The victim was taken to her by her mother and elder mother. The injury found on the body of the victim on her private part could not be rebutted by the defence in the cross-examination of the doctor.

21. PW-11 Doctor Smita is another witness who medically examined the victim at District Hospital, Durg. She too has found injury on private part of the victim and her hymen was found ruptured. The injury was found on her labia minora and she opined that the victim was subjected to sexual intercourse and for confirmation she referred for chemical examination of the vaginal slide. She also referred her for age determination. In cross-examination she denied that the injury found on the private part of the victim could have also been caused from playing. She did not find any oil or smell of any oil on her private part. From the evidence of this doctor also the injury found on the body of the victim is proved by the prosecution.
22. From all these evidence, particularly the evidence of the victim PW-1 and her mother PW-4 and also from the evidence of Doctor Priyanka Patale PW-9 and Doctor Smita PW-11 the allegation against the appellant that he committed rape upon the victim is found proved by the learned trial Court.

23. In the case of **State of Himachal Pradesh Vs. Sanjay Kumar alias Sunny**, (2017) 2 SCC 51 the Hon'ble Supreme Court has held that the statement of the victim can be sole basis for conviction unless there are cogent reasons for the Court to be hesitant in believing the statement at its face value or to seek corroboration. It has been held in para 30 and 31 that:-

“30.We have already discussed above the manner in which testimony of the prosecutrix is to be examined and analysed in order to find out the truth therein and to ensure that deposition of the victim is trustworthy. At the same time, after taking all due precautions which are necessary, when it is found that the prosecution version is worth believing, the case is to be dealt with all sensitivity that is needed in such cases. ...

31.By now it is well settled that the testimony of a victim in cases of sexual offences is vital and unless there are compelling reasons which necessitate looking for corroboration of a statement, the courts should find no difficulty to act on the testimony of the victim of a sexual assault alone to convict the accused. No doubt, her testimony has to inspire confidence. Seeking corroboration to a statement before relying upon the same as a rule, in such cases, would literally amount to adding insult to injury. The deposition of the prosecutrix has, thus, to be taken as a whole. Needless to reiterate that the victim of rape is not an accomplice and her evidence can be acted upon without corroboration. She stands at a higher pedestal than an injured witness does. If the court finds it difficult to accept her version, it may seek corroboration from some evidence which lends assurance to her version. To insist on corroboration, except in the rarest of rare cases, is to equate one who is a victim of the lust of another with an accomplice to a crime and thereby insult womanhood. It would be adding insult to injury to tell a woman that her claim of rape will not be believed unless it is corroborated in material particulars, as in the case of an accomplice to a crime. Why should the evidence of the girl or the woman who complains of rape or sexual molestation be viewed with the aid of spectacles fitted with lenses tinged with doubt, disbelief or suspicion? The plea about lack of corroboration

has no substance {See Bhupinder Sharma v. State of Himachal Pradesh[(2003) 8 SCC 551 : 2004 SCC (Cri) 31]}. Notwithstanding this legal position, in the instant case, we even find enough corroborative material as well, which is discussed hereinabove.”

24. In the matter of **Appa Bhai Vs. State of Gujarat**, 1988 Suppl. SCC 241, the Hon’ble Supreme Court has held in Para 13 of its judgment that:-

“13.The Court while appreciating the evidence must not attach undue importance to minor discrepancies. The discrepancies which do not shake the basic version of the prosecution case may be discarded. The discrepancies which are due to normal errors of perception or observation should not be given importance. The errors due to lapse of memory may be given due allowance. The Court by calling into aid its vast experience of men and matters in different cases must evaluate the entire material on record by excluding the exaggerated version given by any witness. When a doubt arises in respect of certain facts alleged by such witness, the proper course is to ignore that fact only unless it goes into the root of the matter so as to demolish the entire prosecution story. The witnesses nowadays go on adding embellishments to their version perhaps for the fear of their testimony being rejected by the court. The courts, however, should not disbelieve the evidence of such witnesses altogether if they are otherwise trustworthy.”

25. In the case of **Satyapal Vs. State of Haryana**, (2009) 6 SCC 635 the Hon’ble Supreme Court has held that even slightest form of penetration is sufficient to constitute the offence of penetrative assault. It is also not necessary that there has to be some injury on the genital or any other part of the victim’s body. It has been held in para 18 of that judgment that:-

“18. In Modi’s Medical Jurisprudence, 23rd Edn., at pp. 897 and 928, it is stated:

"To constitute the offence of rape, it is not necessary that there would be complete penetration of the penis with emission of

semen and the rupture of hymen. Partial penetration of the penis within the labia majora or the vulva or pudenda with or without emission of semen or even an attempt at penetration is quite sufficient for the purpose of law. It is, therefore, quite possible to commit legally, the offence of rape without producing any injury to the genitals or leaving any seminal stains.....

* * *

In small children, the hymen is not usually ruptured, but may become red and congested along with the inflammation and bruising of the labia. If considerable violence is used, there is often laceration of the fourchette and perineum.”

26. Reverting to the facts of the present case and in view of the aforesaid judgments of the Hon’ble Supreme Court, the evidence available on the record are unerringly pointing towards the guilt of the appellant that he committed rape upon the victim.
27. Further, in the case of **State of Punjab Vs. Gurmit Singh and others**, (1996) 2 SCC 384 the Hon’ble Supreme Court has held in para 21 of its judgment that:-

“21.A murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female. The Courts, therefore, 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 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.”

28. In the matter of **State of Rajasthan Vs. Om Prakash**, (2002) 5 SCC 745 the Hon’ble Supreme Court has held in para 13 of its judgment that:-

“13. The conviction for offence under Section 376 IPC can be based on the sole testimony of a rape victim is a well-settled proposition. In *State of Punjab v. Gurmit Singh and others* [(1996) 2 SCC 384], referring to *State of Maharashtra v. Chandraprakash Kewalchand Jain* [(1990) 1 SCC 550], this Court held that it must not be overlooked that a woman or a girl subjected to sexual assault is not an accomplice to the crime but is a victim of another person's lust and it is improper and undesirable to test her evidence with a certain amount of suspicion, treating her as if she were an accomplice. It has also been observed in the said decision by Dr Justice A.S. Anand (as His Lordship then was), speaking for the Court, that 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.”

29. From the aforesaid consideration we are of the considered opinion that the learned trial Court has rightly considered the evidence available on record against the appellant and convicted him for the alleged offence in which we do not find any perversity or illegality.
30. Accordingly, conviction of the appellant for the offence under

Section 376AB of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 are hereby affirmed.

31. So far as sentence awarded to the appellant is concerned, he has been awarded maximum sentence prescribed for the offence under Section 6 of Protection of Children from Sexual Offences Act, 2012, however, no separate sentence has been awarded to him for the offence under Section 376AB of the IPC.
32. In the matter of **Mohammad Giasuddin Vs. State of Andhra Pradesh** reported in (1977) 3 SCC 287 Hon'ble Supreme Court has observed that If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries and held in Para 9 as follows:

“9. Western jurisprudes and sociologists. from their own angle have struck a like note. Sir Samuel Romilly, critical of the brutal penalties in the then Britain, said in 1817 : “The laws of England are written in blood”. Alfieri has suggested : 'society prepares the crime, the criminal commits it'. George Nicodotis, Director of Criminological Research Center, Athens, Greece, maintains that 'crime is the result of the lack of the right kind of education'. If it is thus plain that crime is a pathological aberration. that the criminal can ordinarily be redeemed. that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by reculturation. Therefore, the focus of interest in penology is the individual, and the goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The *human* today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of

social defense. We, therefore, consider a therapeutic, rather than an 'in terrorem' outlook, should prevail in our criminal courts. since brutal incarceration of the person merely produces laceration of his mind. In the words of George Bernard Shaw : 'If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries'. We may permit ourselves the liberty to quote from Judge Sir Jeoffrey Streatfield : "If you are going to have anything to do with the criminal Courts, you should see for yourself the conditions under which prisoners serve their sentences'."

33. Further, in the matter of **Raj Bala Vs. State of Haryana and Others**, reported in 2016 (1) SCC 463 in paragraph 1 & 2 the Hon'ble Supreme Court has held as under :

"1. In Gopal Singh v. State of Uttarakhand [(2013) 7 SCC 545 : (2013) 3 SCC (Cri) 608], while focusing on the gravity of the crime and the concept of proportionality as regards the punishment, the Court had observed:-

"18. Just punishment is the collective cry of the society. While the collective cry has to be kept uppermost in the mind, simultaneously the principle of proportionality between the crime and punishment cannot be totally brushed aside. The principle of just punishment is the bedrock of sentencing in respect of a criminal offence. A punishment should not be disproportionately excessive.

The concept of proportionality allows a significant discretion to the Judge but the same has to be guided by certain principles. In certain cases, the nature of culpability, the antecedents of the accused, the factum of age, the potentiality of the convict to become a criminal in future, capability of his reformation and to lead an acceptable life in the prevalent milieu, the effect - propensity to become a social threat or nuisance, and sometimes lapse of time in the commission of the crime and his conduct in the interregnum bearing in mind the nature of the offence, the relationship between the parties and attractability of the doctrine of

bringing the convict to the value-based social mainstream may be the guiding factors. Needless to emphasise, these are certain illustrative aspects put forth in a condensed manner. We may hasten to add that there can neither be a straitjacket formula nor a solvable theory in mathematical exactitude. It would be dependent on the facts of the case and rationalised judicial discretion. Neither the personal perception of a Judge nor self-adhered moralistic vision nor hypothetical apprehensions should be allowed to have any play. For every offence, a drastic measure cannot be thought of. Similarly, an offender cannot be allowed to be treated with leniency solely on the ground of discretion vested in a court. The real requisite is to weigh the circumstances in which the crime has been committed and other concomitant factors which we have indicated hereinbefore and also have been stated in a number of pronouncements by this Court. On such touchstone, the sentences are to be imposed. The discretion should not be in the realm of fancy. It should be embedded in the conceptual essence of just punishment."

[Emphasis supplied]

2. Seven years prior to that, in *Shailesh Jasvantbhai v. State of Gujarat* [(2006) 2 SCC 359 : (2006) 1 SCC (Cri) 499], it has been held that:- (SCC pp. 361-62, paras 7-8)

"7. The law regulates social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a cornerstone of the edifice of "order" should meet the challenges confronting the society. Friedman in his *Law in*

Changing Society stated that: 'State of criminal law continues to be-as it should be-a decisive reflection of social consciousness of society.' Therefore, in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.

8. Therefore, undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law, and society could not long endure under such serious threats. It is, therefore, the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed, etc. This position was illuminatingly stated by this Court in *Sevaka Perumal v. State of T.N.*[(1991) 3 SCC 471 : 1991 SCC (Cri) 724]"

[Emphasis supplied]

And again: (SCC p. 363, para 13)

"13....The court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal and the victim belong. The punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence and it should 'respond to the society's cry for justice against the criminal'."

34. In view of the above, we are of the considered opinion that ends

of justice would meet if the sentence of the appellant is reduced to the minimum sentence provided under Section 6 of Protection of Children from Sexual Offences Act, 2012 or Section 376AB of the IPC. Accordingly, the sentence awarded to the appellant for the offence under Section 6 of Protection of Children from Sexual Offences Act, 2012 is reduced to the period of Rigorous Imprisonment for 20 years instead of Rigorous Imprisonment for life (till natural death), however, fine sentence and default stipulation awarded thereunder are hereby affirmed.

35. The appeal filed by the appellant is partly allowed to the extent indicated above.
36. The appellant is reported to be in jail since 16-02-2023. He shall serve the entire sentence as modified/alterd by this Court.
37. Registry is directed to 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.
38. Record of the trial Court be sent back along with copy of this judgment.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice