

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(Arising out of SLP (Crl.) No. 19059 of 2025)

SUPTAN MARAK

APPELLANT(S)

VERSUS

STATE OF TRIPURA

RESPONDENT(S)

O R D E R

1. Leave granted.

2. Under the impugned judgment, the High Court has affirmed the appellant's conviction and sentence under Section 342 and 323 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 imposed by the Trial Court *vide* its judgment and sentence dated 13.12.2022.

3. Having heard the learned counsel for the appellant on merits, we are not inclined to interfere with the impugned judgment of the High Court, as victim is aged 12 years and is a partially and mentally retarded girl, and she has supported the prosecution and her version has been duly corroborated by her mother (PW-2) and her younger sister (PW-4). Dr. Helina Debbarma (PW-14) has examined the victim and found that the condition of victim was precarious and she complained of pain in vulva with excessive bleeding, repeated vomiting etc.; and the victim

was not in a condition to move even; and excessive blood was oozing out through vaginal intorious and her hymen was freshly torn.

4. In view of the above evidence, even if the DNA profiling of the blood stains found on the victim's cloths, is not found conclusively belonging to the blood of the appellant, we are of the considered view that the unshaken oral testimony of the POCSO victim duly corroborated by her mother and her younger sister, cannot be disbelieved only on this ground.

5. Accordingly, the appellant's conviction under Section 4 of the POCSO Act is maintained.

6. It is argued that the Trial Court and the High Court as well, have not specifically referred to the applicant's conviction under Section 4(2) of the POCSO Act, therefore, the maximum sentence of life imprisonment imposed on the appellant is not sustainable inasmuch as the appellant will have to undergo imprisonment for the remainder of his life and he shall never be released from jail.

7. It is submitted that non-mentioning of sub-Section (2) of Section 4 of the POCSO Act, in particular, vitiates the sentencing order passed by the Trial Court as well as the High Court. It is also submitted that the appellant was aged about 33 years at the time of occurrence having no antecedents. Hence, there is a possibility of the appellant's reformation and thus, imposition of imprisonment for the remainder of the life is not warranted

in the facts of the case.

8. Learned counsel appearing for the respondent-State has opposed the submissions. According to him, the appellant has been found guilty of commission of offence under the POCSO Act concurrently by the Trial Court and the High Court, therefore, no leniency should be shown.

9. Although, we are not convinced with the submission made by learned counsel for the petitioner that in the absence of specific reference to sub-Section 2 of Section 4 of the POCSO Act by the Trial Court and the High Court, the sentencing part is vitiated, because any reference to Section 4 would attract the provisions contained in sub-Section (1) and/or sub-Section (2) of Section 4, depending upon the facts of the case which attracts any of these sub-Sections.

10. Once it is established that the victim was less than sixteen years of age, the only provision with which the appellant could have been convicted and sentenced, is sub-Section (2) of Section 4 of the POCSO Act. Therefore, non-mentioning of particular sub-Sections of Section 4 of the POCSO Act, would not render the sentencing part of the Trial Court order and affirmed by the High Court, as illegal or vitiated.

11. At the same time, we feel that considering the age of the appellant and lack of antecedents, as also for the fact that there is no material that his conduct in jail so far is not good, the sentence for remainder of the life

which is the maximum sentence which can be imposed under sub-Section (2) of Section 4, deserves to be reduced to the minimum sentence of twenty years which can also be imposed under sub-Section (2) of Section 4 of the POCSO Act.

12. Accordingly, we allow the Criminal Appeal in part and reduce the sentence of life imprisonment i.e. imprisonment for the remainder of the life to a sentence of rigorous imprisonment for twenty years.

13. Accordingly, while maintaining the conviction of the appellant for the offences under Section 4(2) of the POCSO Act, we modify/reduce the sentence of life imprisonment i.e. for remainder of the life to rigorous imprisonment for twenty years.

14. Pending application(s), if any, shall stand disposed of.

.....J.
[PRASHANT KUMAR MISHRA]

.....J.
[SHREE CHANDRASHEKHAR]

NEW DELHI;
July 21, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 19059/2025

[Arising out of impugned final judgment and order dated 16-07-2024 in CRLAJ No. 26/2023 passed by the High Court of Tripura at Agarthala]

SUPTAN MARAK

Petitioner(s)

VERSUS

STATE OF TRIPURA

Respondent(s)

IA No. 289231/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 21-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Petitioner(s) Ms. Soniya Mathur, Sr. Adv.
Ms. Kamalakshi Singh Chauhan, Adv.
Mr. Sanjeev Kumar, Adv.
Mr. Yudhister Bhardwaj, Adv.
Ms. Nikita Gill, Adv.
Ms. Divya Singh Chauhan, Adv.
Ms. Safeena Khan, Adv.
Ms. Mansi Sridhar, Adv.
Ms. Shubhi Bhardwaj, Adv.
Dr. Lipika Sharma, Adv.
Ms. Jyoti Sharma, AOR

For Respondent(s) Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The appeal is allowed in part, in terms of the Singed Order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(MINI)
COURT MASTER (SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER (NSH)