

GAHC030003192024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.A./21/2024

C. Lalremmawia
Chawngtlai, Khawzawl District

VERSUS

The State of Mizoram and Anr.
Aizawl2:Sh. Lalnghaklian

Advocate for the Petitioner : Mr. Lalpianfela Chawngthu

Advocate for the Respondent : P.P./Addl.PP, Mizoram

Linked Case : I.A.(Crl.)/19/2024

C. Lalremmawia
Chawngtlai
Khawzawl District

VERSUS

The State of Mizoram and Anr.
Aizawl

2:Sh. Lalnghakliana
S/o Lalthlamuana

R/o Lungphunlian Village
Champhai District
Mizoram

Advocate for the Petitioner : Mr. Lalpianfela Chawngthu
Advocate for the Respondent : P.P./Addl.PP
Mizoram

IN THE GAUHATI HIGH COURT
(TH/E HIGH COURT OF ASSAM, NAGALAND, MIZORAM &
ARUNACHAL PRADESH)

Crl.A. No. 21 of 2024

Appellant:-

Shri. C. Lalremmawia,
S/o C. Laldawnga
R/o Chawngtlai,
Kawzawl District, Mizoram.

-Versus-

Respondents :-

1. The State of Mizoram represented by the
Secretary to the Govt. of Mizoram
Home Department, Aizawl, Mizoram.

2. Lalnghakliana,
S/o Lalthlamuana
R/o Lungphunlian Village,
Champhai District, Mizoram.

Advocate for the appellant : Mr. Lalpianfela Chawngthu

Advocates for the respondents : Mrs. Mary L. Khiangte, Addl.P.P

Mr. Jordan Rohmingthanga,

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

HON'BLE MRS. JUSTICE MARLI VANKUNG

Date of hearing : **19.02.2025**

Date of judgment : **28.03.2025**

JUDGMENT & ORDER (CAV)

(Marli Vankung, J)

Heard Mr. Lalpianfela Chawngthu, learned counsel for the appellant. Also heard Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor for the State respondent and Mr. Jordan Rohmingthanga, learned Legal Aid Counsel for respondent No. 2.

2. This is an appeal filed against the Judgment & Order dated 18.07.2023 passed by the learned Special Judge, POCSO Act, Champhai Judicial District in Sessions Case No. 76/2021, Champhai PS Case No. 91/2021 dated 21.10.2021, wherein, the appellant was convicted under Section 6 of the POCSO Act and sentenced to undergo Rigorous Imprisonment for 20 years and to pay a fine of Rs. 10,000/-, in default R.I for 1 (one) month.

3. Brief facts of the case is that on 20.10.2021, an FIR was filed by the informant/Lalngihakliana, against the accused/appellant, stating that on 17.10.2021 at around 3:00 PM while he was away at work, the accused had tempted his daughter 'X' aged 8 years with Rs. 100/- and took her to the mount where a PHE Tanky is constructed and raped her there. They came to know of the incident only on 19.10.2021 at around 3:00 PM. A case under Section 6 of

the POCSO Act was registered against the accused/appellant.

During the investigation of the case, the statement of the informant and other witnesses were recorded. The accused/appellant was arrested on 20.10.2021 and on interrogation, he admitted his guilt. The victim girl referred to as 'X' was forwarded to the Medical Officer, PHC Hnahlan village for medical examination and her Birth Certificate was also seized. She was also sent to the Judicial Magistrate First Class/JMFC on 23.10.2021 for recording of her pre-trial statement under Section 164 CrPC. The accused/appellant was also sent for medical examination. After receiving the medical examination report, the case I.O found prima facie case against the accused/appellant under Section 6 of the POCSO Act and accordingly filed the charge sheet.

4. The learned Trial Court framed charge under Section 6 of the POCSO Act to which the accused pleaded not guilty and claimed for trial. As many as 6 (six) prosecution witnesses were examined. The accused/appellant was examined under Section 313 CrPC, wherein he denied all the incriminating evidence against him. He deposed as defendant witness/DW-1 before the Court. The learned Trial Court after hearing both the parties, found the accused/appellant guilty of the charge under Section 6 of the POCSO Act and sentenced him to undergo Rigorous Imprisonment for 20 years and to pay a fine of Rs. 10,000/-,

in default R.I for 1 (one) month. Aggrieved, the appellant has filed the instant appeal.

SUBMISSIONS OF THE LEARNED COUNSELS

5. Mr. Lalpianfela Chawngthu, learned counsel for the appellant submitted that the conviction of the appellant under Section 6 of the POCSO Act is liable to be set aside on the following grounds; that there was a delay in filing the FIR since the incident is said to have occurred on 17.10.2021 and the case was filed only on 20.10.2021, however, there is no explanation for the delay. That the learned Trial Court had convicted the appellant based on the sole testimony of the prosecutrix on finding her to be a sterling witness. However, the prosecutrix cannot be considered a sterling witness because there were discrepancies in her statement recorded under Section 161 CrPC, 164 CrPC and her deposition before the Court. The learned counsel submitted that in the statement of the prosecutrix recorded under Section 164 CrPC, there was no mention of her elder sister, which was mentioned in her deposition in the Court. In her statement under Section 164 CrPC, the prosecutrix had stated that she asked the appellant to stop what he was doing to her which is not mentioned in her deposition recorded in the Court. That her account as to how and to whom she disclosed

about the incident is also not recorded in her statement under Section 164 CrPC . The learned counsel also submitted that the prosecutrix had also stated that the accused appellant had raped her twice in her statement under 164 CrPC, which is different from her deposition in the court.

6. The learned counsel for the appellant thus submits that because of the above discrepancies, the prosecutrix cannot be considered a sterling witness as described by the Apex Court in ***Rai Sandeep Vs. State of NCT of Delhi***, reported in ***2012 8 SCC 21*** (para 15), wherein the Apex Court has clearly laid out the qualities required to be termed as a sterling witness.

7. The learned counsel further submitted that no preliminary questions were asked to the prosecutrix even though she was below the age of 12 years when she deposed in the court. The learned counsel relied upon the judgment of the Apex Court in ***Pradeep Vs. State of Haryana***, reported in ***AIR 2023 SC 3245***, wherein it was mandated that preliminary questions should be asked to a minor child below the age of 12 years to ensure that the child was able to understand the nature of her deposition and the importance of speaking the truth. He also cited the judgment of a Coordinate Bench of this Court dated 25.01.2024 in CrI.A. No. 12/2023, wherein the case was remanded back to the

learned trial court for the trial court to ask preliminary questions to the minor victim.

8. The learned counsel also pointed out that the deposition of PW-1, who is the informant cannot be relied on since the deposition was not recorded as the first person but was a dictation of what was supposedly said by PW-1. The learned counsel also mentioned that the in examination of the appellant under Section 313 CrPC, he has admitted that he had gone with the prosecutrix near the PHE Tanky, however, he has clearly denied having committed any sexual assault upon the prosecutrix.

9. Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor for the State respondents, on the other hand submitted that from the deposition of the prosecutrix before the Court and her examination under 164 CrPC and also from the deposition of DW-1, it is proved that the accused/appellant and the prosecutrix had gone to a place near PHE Tanky at Lungphunlian village on 17.10.2021, where the incident of sexual assault had taken place. The learned Addl. Public Prosecutor also submits that even though certain discrepancies are found in the statements made by the prosecutrix under Section 164 CrPC and in her deposition in the Court, however, these are minor discrepancies which do

not affect the core of the case, that the appellant had committed sexual assault upon the prosecutrix, which is also duly confirmed and corroborated by the medical examination report.

10. Mr. Jordan Rohmingthanga, learned Legal Aid Counsel in all fairness, admitted that the preliminary questions as mandated by the Apex Court in ***Pradeep Vs. State of Haryana (Supra)*** was not followed. He however submitted that the prosecutrix has been consistent in her statement under Section 164 CrPC and her deposition before the Court that the appellant had committed sexual intercourse with her. He submitted that the version of the prosecutrix in her examination-in-chief has neither been shaken nor falsified during her cross-examination by the defence. The learned Legal Aid Counsel thus, submitted that the minor discrepancies do not touch the core of the case and therefore, will not vitiate the case against the appellant. In support of his submission, he has cited the decision of the Division Bench of this Court in ***Ramdinmawia Vs. State of Mizoram***, reported in ***2022 0 Supreme (Gau) 1192*** (para 24), wherein, the coordinate bench had observed that "the Apex Court in the Case of Ganesan (supra) after referring to a number of decisions of the same Court reiterated the established principle that where the testimony of victim is found reliable and trustworthy, conviction on basis of her sole

testimony will be permissible.”

11. We have considered the submissions made by the learned counsels for both the parties and have also perused the evidence on record. We find that in order to fully appreciate the submissions made by the learned counsels, it would be appropriate to highlight the evidence adduced before the Trial Court which is reproduced herein under :-

EVIDENCE ADDUCED BEFORE THE LEARNED TRIAL COURT

12. PW 1, Lalnghakliana deposed to the effect that he remembered the incident occurring last year, but couldn't recall the exact date and time. His 8-year-old daughter lived with them in Lungphunlian village. The victim didn't directly inform them about the incident, but after complaining of pain in her private part, her mother suspected something was amiss and asked her about it. He stated that the victim revealed that she was sexually assaulted by Lalremmawia, who was his son-in-law, near the PHE Tanky in Lungphunlian village. The accused (his son-in-law), had allegedly offered the victim Rs. 100/-. The victim told her mother that the accused had called her and her sister, who were playing outside, and the accused sent the sister away to buy something.

Once alone, the accused kissed the victim, laid on top of her, removed his pants, and inserted his penis into her vagina. After feeling pain, the victim asked the accused to stop, and he got up. The witness lodged an FIR at Champhai PS based on the victim's statement. Exhibit P-1 is a copy of his FIR. Exhibit P-1(a) is his thumb impression.

During cross-examination, he stated that the victim 'X' was now attending school and studying in class 3. He admitted that he did not lodge the FIR on the date of the incident but explained that they filed the FIR when they learnt about the incident. He admitted in his cross examination that he did not learn about the incident from their daughter directly; instead, he was informed by his wife. He admitted that the relationship between the victim and the accused was cordial. He admitted that on the day of the incident, the victim and her sister had gone to the PHE Tanky and the accused had offered the victim Rs. 100/-, which she accepted.

13. PW 2, 'X' is the Prosecutrix who deposed to the effect that the accused is the husband of her sister, U Sangsangi. He would often visit her house, and she would address him as U Rema. One day, while she and her sister, U Rinhlui were playing outside, U Rema invited them to go to a hill. Both sisters followed U

Rema up the hill. Upon reaching the hill, U Rema asked U Rinhlui to go to a shop and buy something by giving her Rs. 20/-. After U Rinhlui left, U Rema took her near a PHE tank and started kissing her. He then removed his trousers and hers, made her lie down, and lay on top of her. U Rema inserted his penis into her private part, but only partially. Before the incident, U Rema gave her Rs. 100/-. She felt pain during the incident but did not speak up due to fear. She did not see his penis but saw his buttocks. After the incident, she got dressed and went home alone and she did not share the incident with anyone initially. However, three days later, she was unwell, and her mother asked her what happened. She then narrated the entire incident to her mother. She believes her mother found out through U Rinhlui, who saw U Rema and her together and informed her mother. Exhibit P-3- is her deposition before JMFC u/s 164 CrPC.

During cross-examination, she admitted that the accused neither threatened her nor forced her to lie down but she did so because he told her to. She was taken to a doctor three days after the incident, after her father reported the matter to the police.

14. PW 3, K. Lalhlimpaia and PW 4, Lalchhandama are the seizure witnesses when the Birth Certificate of the prosecutrix was seized on

20.10.2021.

Exhibit P-2 is Seizure Memo

Exhibit P-2(b) &(c) are their signatures respectively.

15. PW 5, Dr. Lalrinhlui deposed that on 20.10.2021, the victim was brought for medical examination by her mother. The doctor then contacted the police about the matter. The matter came to light when the victim's teacher suspected that the victim had been molested and sent her for medical examination. The victim was questioned in the casualty in the presence of her mother and a female nurse. The victim was cooperative and told them that her sister's husband, Lalremmawia, took her to a hill and gave her Rs. 100/-. He then kissed her and undressed her. Since the doctor found that the victim was not normal, they asked her a leading question about whether the accused had inserted his penis into her vagina, to which she answered in the affirmative. Since the incident took place 5 days prior to the examination, there had been a change of clothing and underwear. The examination revealed mild abrasion in her introitus and her hymen was torn. This result indicated that the victim had been raped, as her vagina had been penetrated.

Exhibit P-4 is the Medical Examination report of the victim.

Exhibit P-4(a) is her Signature.

During cross-examination, she admitted the suggestion that at the time of the examination, there was no sperm nor seminal stain in the vagina of the victim, as the victim was brought before the doctor after a lapse of 5 days and admitted that it was a fact that there was no sign of bruise on the body of the victim at the time of the examination. She admitted that other than the history given and the clinical examination, there were no other findings that the accused had raped the victim.

16. PW 6, Inspector Robert Vanlalremruata, is the case I.O who deposed to the effect that on the evening of 19.10.2021, a telephonic information was received from a reliable source that there was an incident of rape at Lungphunlian village. In pursuance to the information, he along with the staff of Champhai P.S. and O.C. Champhai P.S., rushed to the spot for enquiry on 20/10/2021. Upon reaching the P.O., the Birth Certificate of the victim was seized from the complainant/father of the victim at Lungphunlian village in the presence of witnesses whose statements were also recorded. The Birth Certificate was later released on Zimanama on 21.10.2021. The date of birth on the original birth certificate was 14.02.2013.

The victim was forwarded to the Medical Officer, Hnahlan PHC, for examination by O.C. and the accused was also apprehended. Thereafter, the police party returned to Champhai. Upon reaching Champhai PS at 10:30 pm, a written FIR was received from Lalnghakliana s/o Lalthlamuana of Lungphunlian village which stated that on 17.10.2021, at around 3:00 pm, his daughter Lalengzuali (8 years) of Lungphunlian village was sexually assaulted by Lalremmawia (33) s/o C.Laldawnga of Chawngtlai village near PHE Tanky at Lungphunlian village after he persuaded her to pay Rs. 100/-. Accordingly, Champhai P.S. Case No. 91/2021 dated 20.10.2021 u/s 6 POCSO Act was registered.

The complainant was examined, and his statement recorded at the P.S. The accused, Lalremmawia (33) s/o C.Laldawnga of Chawngtlai village, was forwarded for medical examination and later formally arrested at the P.S. on 20.10.2021 at 11:00 pm. His statement was also recorded. The accused was forwarded for Judicial Remand on 21.10.2021. The statement of the victim was recorded at the P.S. by W/Const. Lalruatfeli, who was not in uniform, at the Children's Corner inside the P.S. building. A prayer for recording the Judicial Statement for the victim was also forwarded to CJM on 21.10.2021. The victim narrated how on *17./10./2021 (Sunday) at around 3:00 pm, while playing*

outside with her elder sister Lalrinhlui, the accused invited her to go up to the hill. The victim and her sister followed the accused, and upon reaching the hill, the accused asked her elder sister to buy something, and she left them. While her elder sister was gone, the accused started kissing her, laid upon her, removed her clothes, and raped her by inserting his penis into her vagina even when she asked him to stop. The victim did not tell her parents about the incident initially; however, as her private parts were in pain and hurting, her parents came to know about the incident on 19.10.2021 (Tuesday). He also examined the seizure witnesses and their statements were also recorded.

After he (Case I.O.) received the Judicial statement of the victim from CJM Champhai on 21.10.2021, on finding that it was also similar to the statement recorded at the P.S., a prima facie u/s 6 POCSO Act was found well established against the accused Lalremmawia. He therefore, submitted the charge sheet against the accused Lalremmawia to face trial before the court.

Exhibit P-8 - is Final Form.

Exhibit P-8(a) - is his signature.

Exhibit P-12 - prayer for Judicial Remand.

Exhibit P-5 is - Arrest Memo.

Exhibit P-5(a) - his signature.

Exhibit P-6 - Checklist.

Exhibit P-6(a) - his signature.

Exhibit P-7 - prayer for Judicial statement.

Exhibit P-7(a) - his signature.

Exhibit P-9 - Birth Certificate of victim.

Exhibit P-10 - is Zimmanama in respect of Birth Certificate of victim.

Exhibit P-11 - is Medical Report of the accused.

17. The accused on examination under Section 313 CrPC, denied the evidence that he had invited the victim and her sister to go to a hill while they were playing outside. He denied that he took the victim near PHE Tanky and sexually assaulted her by inserting half of his penis inside her private part. He denied that he gave her Rs. 100/- before touching her. He stated that he has been falsely implicated and that the victim is his wife's step sister, so he would do nothing to harm her.

18. DW 1, C. Lalremmawia is the accused who deposed to the effect that he cannot remember the exact date and time when they had gone to visit his wife's village. However, he thinks it was sometime in the month of October, 2021. The victim is the step-sister of his wife. He did not take any edible things to eat for

the children and after reaching the village, he had gone out to get some fresh air, when two children followed him, one of them is the victim 'X'. He gave Rs. 100/- to the older of the two children to go and buy things to eat while the younger one (victim) stayed near him.

After staying there for some time, the victim and he, went back to the house. He and his wife did not stay in the village for long since his brother-in-law was going back to their village and they took the opportunity and they all went back together to their village. He was innocent in this present case, as he had done nothing to the victim. On that fateful night, the victim's paternal aunt and her husband came to the shed which they had put up for work, and the aunt told him that if he gave Rs. 20,000/- to the victim, the matter would have been solved, but he did not agree.

During cross-examination, he stated that it is a fact that he had sent only the older child to buy eatables since he assumed that the younger one was still too small to understand the value of money. He admitted that the older child must have taken 10-15 minutes to buy eatables, and the younger child was just sitting beside him. He also admitted that when he was asked to give Rs. 20,000/- to the victim by the aunt of the victim, his wife was also there, but he does not know whether she had heard about the offer.

FINDINGS AND DECISIONS THEREOF

19. After careful analysis of the evidence adduced and on considering the submission made by the learned counsels for both the parties, we find that the deposition of PW-1/ informant can be taken only as a secondary evidence since his deposition is based on what was told to him by his wife, the prosecutrix had not narrated the incident to him. It is also seen that the recording of deposition of PW-1 is not in the first person, which is not as per the norm for recording the statements of the witnesses in the court.

20. We have also noted that the date of birth of the prosecutrix is 14.02.2013 in Birth Certificate exhibited as Exhibit P-9. On the date of the said incident i.e on 17.10.2021, she would be of 8 years and when her deposition was recorded on 17.02.2023, before the learned Trial Court, she was 10 years of age. We have noted that the learned Trial Court had not asked any preliminary question whether she was able to understand the importance of speaking the truth or able to understand the questions put to her. Though we find that a child witness is not someone to be frowned upon, however, conviction on the basis of the child witness should be accepted with great caution and circumspection. The

Apex court in ***Rameshwar vs. The State Of Rajasthan*** reported in ***AIR 1952 SC 54***, pointed out that Judges should record their opinion whether the child understands the need of speaking the truth, and state why they think so. Otherwise, the credibility of the witness cannot be well established and in some cases, it may become necessary to reject the evidence altogether by the upper tier courts.

21. The Supreme Court in ***Dattu Ramrao Sakhare and Others V State of Maharashtra, (1997) 5 SCC 341***, in relation to child witnesses, held as under:-

“5. ...A child witness if found competent to depose to the facts and reliable one such evidence could be the basis of conviction. In other words even in the absence of oath the evidence of a child witness can be considered under [Section 118](#) of the Evidence Act provided that such witness is able to understand the questions and able to give rational answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstances of each case. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be a reliable one and his/her demeanour must be like any other competent

witness and there is no likelihood of being tutored."

22. The Supreme Court in ***P. Ramesh V State Rep by Inspector of Police, (2019) 20 SCC 593*** also held as under:-

"15. In order to determine the competency of a child witness, the judge has to form her or his opinion. The judge is at the liberty to test the capacity of a child witness and no precise rule can be laid down regarding the degree of intelligence and knowledge which will render the child a competent witness. The competency of a child witness can be ascertained by questioning her/him to find out capability to understand the occurrence witnessed and to speak the truth before the court. In criminal proceedings, a person of any age is competent to give evidence if she/he is able to (i) understand questions put as a witness; and (ii) give such answers to the questions that can be understood.

23. The Apex Court in ***Pradeep Vs. State of Haryana (Supra)*** (para 7) has also held as follows:-

"7. We have carefully considered the submissions. The fate of the case depends on the testimony of the minor witness Ajay (PW1). Under [Section 118](#) of the Evidence Act, 1872 (for short, "the [Evidence Act](#)"), a child witness is competent

to depose unless the Court considers that he is prevented from understanding the questions put to him, or from giving rational answers by the reason of his tender age. As regards the administration of oath to a child witness, [Section 4](#) of the Oaths Act, 1969 (for short "[Oaths Act](#)") is relevant. [Section 4](#) reads thus:

“4. Oaths or affirmations to be made by witnesses, interpreters and jurors.—(1) Oaths or affirmations shall be made by the following persons, namely:—

(a) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any court or person having by law or consent of parties authority to examine such persons or to receive evidence;

*(b) interpreters of questions put to, and evidence given by, witnesses;
and*

(c) jurors:

Provided that where the witness is a child under twelve years of age, and the court or person having authority to examine such witness is of opinion that, though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation, the foregoing provisions of this section and the provisions of [Section 5](#) shall not apply to such witness; but in

preliminary questions to the child, to be satisfied that the child was able to understand the questions put to her and she understood the duty of speaking the truth. No such steps were taken by the learned Trial Court. Therefore, we are of the considered view that the evidence of the prosecutrix/PW-2 cannot be said to be reliable.

25. Besides the prosecutrix not being asked any preliminary questions, we have also found that there are certain discrepancies in her statement recorded under Section 124 CrPC and her deposition recorded in the court, which we find cannot be lightly termed 'minor' discrepancies. The prosecutrix while narrating the incident in her examination under section 124 CrPC, exhibited as Ext P-3, had stated that the appellant came to their house and he gave her Rs. 100/-. He invited her to go to the mount with him and they went there. He took off her clothes and he took off his pants and shirt too. He made her lie down on the floor and he lied on top of her. He inserted his private part inside her and he did this two times. In her deposition in the court, she had mentioned the presence of her sister, U Rinhlui who had gone with them up to the hill. Further details like the appellant also taking off his shirt and inserting his private part into her private part 'twice' is not mentioned in her deposition in the court, wherein, she

had stated that the appellant 'U Rema' inserted his penis into her private part, but only partially.

These discrepancies in her statements recorded under Section 164 CrPC, and in her deposition in the court has also created serious doubt on the genuineness of the case.

26. On analysis of the evidence of the other prosecution witness, it is seen that PW Nos. 3 & 4 are the seizure witnesses on the seizure of the Birth Certificate of the prosecutrix which is not under challenge. PW-5 is the Doctor who conducted the medical examination of the prosecutrix. She found that there was minor abrasion in her introitus and her hymen was torn. However, this court finds this medical examination report, exhibited as Ext.P-VI can only be a corroborative evidence for corroboration of the evidence of the prosecutrix in the instant case, which cannot be taken into consideration for the reasons as already discussed. PW-6 is the case I.O who has relied on the statement the Judicial statement of the victim from CJM Champhai on 21.10.2021, and her statement recorded at the P.S.

27. At this juncture, we also find it appropriate to refer to the observations of the Apex court in **Raju v. State of M.P., (2008) 15 SCC 133**, wherein it was

held that (quote):

”11. It cannot be lost sight of that rape causes the greatest distress and humiliation to the victim but at the same time a false allegation of rape can cause equal distress, humiliation and damage to the accused as well. The accused must also be protected against the possibility of false implication, particularly where a large number of accused are involved. It must, further, be borne in mind that the broad principle is that an injured witness was present at the time when the incident happened and that ordinarily such a witness would not tell a lie as to the actual assailants, but there is no presumption or any basis for assuming that the statement of such a witness is always correct or without any embellishment or exaggeration.”

28. Thus, in view of the decisions of the Apex court as highlighted above and from the findings as already discussed, we find that the prosecution have failed to establish their case against the appellant under Section 6 of the POCSO Act, 2013 and we are therefore, constrained to allow the instant appeal by setting aside the impugned the Judgment & Order dated 18.07.2023, passed by the learned Special Judge, POCSO Act, Champhai Judicial District in Sessions Case No. 76/2021, Champhai PS Case No. 91/2021 dated 21.10.2021. The appellant

Shri. C. Lalremmawia, is thus acquitted of the charge under Section 6 of the POCSO Act and is set at liberty unless required in any other case.

29. Accordingly, the appeal stands allowed and disposed of.

30. In appreciation of the services rendered by Mr. Jordan Rohmingthanga, learned Legal Aid Counsel, the State Legal Services Authority is to pay the learned Legal Aid Counsel the requisite fees as per existing rates.

JUDGE

JUDGE

Comparing Assistant