

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl. A. No. 14 of 2023

Moirangthem Gambhi

... Appellant

- Versus -

State of Manipur

... Respondent

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER (Oral)

17.12.2025

[1] Heard Mr. Th. Jugindro, learned counsel along with Ms. Rupashree, learned counsel for the appellant and Mr. Y. Ashang, learned PP assisted by Mr. RK. Emily, learned Dy. GA for the State respondent.

[2] The appellant who is an accused in FIR No. 27(7) 2015 WPS, Imphal East under Sections 366/368/376/34 IPC. Vide order dated 07.12.2017 in Sessions Trial Case No. 9 of 2017, the learned Sessions Judge, Imphal East framed charge for offences under Sections 366, 368 and 378 IPC against the appellant mainly on the grounds of abduction, concealing and committing rape on the victim (P.W. No. 6). Vide a detailed judgment dated 25.04.2019 passed by the Ld. Sessions Judge, Imphal East, the appellant was convicted under Section 376 IPC. However, he was acquitted from the charges under Sections 366 and 368 IPC. Vide a separate order of sentence dated 30.04.2019, the Ld. Sessions Judge, Imphal East imposed a sentence of 8 years rigorous imprisonment with a fine of Rs. 25,000/- for offence u/s 376 IPC and in default of payment of fine, the appellant was further to undergo simple imprisonment of 6 months.

[3] It was further directed that the fine of Rs. 25,000/- if deposited, shall be given as compensation to the victim and also recommended a sum of Rs. 5 lakhs as compensation u/s 357A Cr.P.C. under victim compensation scheme for women survivor scheme, 2018. In the appeal on merit, Mr. Th. Jugindro,

learned counsel for the appellant submits that certain irregularities have occurred during the trial such as, the victim did not mention about the offence of rape in the statement recorded in the Section 164 Cr.P.C. and the same was improved during the trial and also serious lapses about the non-appreciation of materials and evidences in favour of the appellant. However, during the course of hearing, the learned counsel for the appellant submits that out of the 8 years imprisonment u/s 376 IPC, the appellant has already undergone a period of 7 years and 2 months including the period in custody during the trial. It is urged that he has been instructed to confine the appeal only on the quantum of sentence as the appellant has already undergone the substantive portion of the sentence of 8 years and acquittal, if any, on merit would not compensate the period of more than 7 years already undergone during trial and appeal. It is submitted that the sentence may be reduced to the period the appellant has already undergone.

[4] The learned counsel for the appellant has pointed out that the incident occurred on 19.07.2015 and the relevant punishment on that day u/s 376(1) IPC was minimum sentence of 7 years imprisonment which may be extended to life imprisonment and with fine. By the amendment Act of 22 of 2018 which is effective from 21.04.2018, the minimum sentence u/s 376(1) IPC is increased to 10 years imprisonment which may extend to life imprisonment. It is pointed out that the appropriate sentence in the present case will be minimum 7 years which may extend to life imprisonment. In the circumstances, it is prayed that the appeal will be confined to the quantum of sentence and the appellant is giving up the appeal on the conviction. It is further submitted that the appellant is now a reformed person and he will be no longer a liability to the society if released at this stage. In any case, he will be a free man after ten months.

[5] Mr. Y. Ashang, learned PP submits that if the conviction is sustained, this Court may pass appropriate order considering the relevant provisions of law on the date of incident and the period already undergone by the appellant in custody. However, before that the appellant should clarify if the fine of Rs. 25,000/- has already been deposited or not as directed by the Ld. Sessions Judge, Imphal East.

[6] The learned counsel for the appellant fairly admits that the amount of fine is not deposited yet and the appellant undertakes to deposit the same as soon as possible.

[7] This Court has considered the materials on record. Since, the appellant has given up the appeal on merit of conviction and confines to the quantum of sentence, in the circumstances, the appeal is heard on the quantum of the sentence. Prior to the amendment in 2018, the minimum punishment for the offence u/s 376(1) IPC is 7 years imprisonment which may extend to life imprisonment with fine and the minimum sentence which has been enhanced by the amendment of 2018 to 10 years imprisonment. The incident occurred in the year 2015 and accordingly, the relevant punishment will be 7 years imprisonment which may extend to life imprisonment in terms of the unamended provisions of Section 376 IPC. It is a settled proposition of law that the amendment in penal law is prospective, unless specified so. Admittedly, the appellant has already undergone more than 7 years of imprisonment which is the minimum prescribed period by statute at that relevant time. In the circumstances, the appeal is disposed of by reducing the period of imprisonment of 8 years to the period already undergone in custody. However, the quantum of fine and compensation as already converted by learned trial Court as compensation to the victim are upheld. On depositing of the fine of Rs. 25,000/- by the appellant as directed, the Ld. Sessions Judge, Imphal East is directed to issue necessary release order, if the appellant is not required in any other case. Conviction under Section 376(I) IPC is upheld, however sentence is reduced to the period already undergone. On deposit of fine of Rs. 25,000/- to the Court of Ld. Sessions Judge, Imphal East, the same be released to the victim as compensation.

[8] Accordingly, the Cril. A. No. 14 of 2024 is partly allowed and disposed of.

[9] Registry is directed to send a copy of this order to the Ld. Sessions Judge, Imphal East and the Superintendent, Manipur Central Jail, Sajiwa for information and doing the needful.

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JUDGE