

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

Crl.A. No. 20 of 2025

Chongtham Ronald Singh

.....Appellant/s

- Versus -

State of Manipur

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

04.09.2025

[1] Heard Mr. Ajoy Pebam, learned counsel appearing on behalf of the appellant who is appointed as Legal Aid Counsel by the High Court Legal Aid Service Committee, Mr. Kh. Athouba, learned PP and Mr. Y. Ashang, learned PP assisted by Mrs. RK. Emily, learned Dy. A.G. for the State respondent.

[2] The appellant/convict faced trial under Section 6 of POCSO Act, 2012 with respect to FIR No. 36(7)2015 WPS/IW u/s 6 of POCSO Act, 2012. However, vide judgment and conviction dated 19.12.2018 passed by the Ld. Special Judge, Imphal West in Special Trial No. 24 of 2015, the appellant was convicted under Section 376(2)(I) of IPC and vide order of sentence dated 21.12.2018, he was directed to undergo rigorous imprisonment of 12 years with a fine of Rs. 50,000/- (Rupees Fifty thousand) in default of another simple imprisonment of 6 (six) months and it was directed that if a fine of Rs. 50,000/- (Rupees Fifty thousand) be deposited to the Court, the same amount shall be given to the dependent of victim as compensation.

[3] It may be noted that even though the charge was framed under Section 6 of POCSO Act, the Trial Court observed in para 23 of

the judgment that the prosecution failed to prove that the victim was minor on the date of incident and as such, by invoking under Section 42 of POCSO Act, the charge was altered to one under Section 376 (2)(I) of IPC and the appellant was, accordingly, convicted under the same and the sentence was passed.

[4] Mr. Ajoy Pebam, learned counsel for the appellant, submits that the appellant has already undergone more than 10 years of imprisonment at the time of filing and as on date, he has undergone 10 years and 2 months of imprisonment out of 12 years awarded by the Trial Court. It is submitted that, at this stage, he is not challenging the order of conviction dated 19.12.2018 passed by the Trial Court, convicting under Section 376 (2)(I) of IPC. It is submitted that since he has spent a substantive period and the minimum period prescribed under Section 376 (2)(I) is 10 years, he may be released by reducing the sentence to the period already undergone and a fine of Rs. Rs. 50,000/- (Rupees Fifty thousand) may be reduced to 10,000/- (Rupees Ten Thousand) considering the fact that he has filed the present appeal through legal aid due to his long custody.

[5] Mr. Kh. Athouba, learned PP and Mr. Y. Ashang, learned PP, on the other hand, submit that the offence is heinous one committed by accused upon the victim who is neighbour and if the accused is released on considering 10 years period already undergone, the victim will be in trauma and this Court may pass appropriate order for the interest of the victim.

[6] This Court has perused the materials on record and submissions made at the bar.

[7] No doubt that the offence is heinous one committed by a person to a disabled girl who is also his neighbor. In any case, the appellant is liable to be released after expiry of the period of 12 years imprisonment. The minimum period of imprisonment prescribed under Section 376 (2) of IPC is 10 years and in the present case, the appellant has been awarded 12 years imprisonment.

[8] Since the appellant is bound to be released after completing 12 years of imprisonment, this Court is of the opinion that

the appeal may be disposed of at this stage on considering the submission of Mr. Ajoy Pebam, learned counsel for the appellant that the sentence of 12 years may be reduced to the period already undergone.

[9] Keeping into consideration the submission of the learned PP that this Court may pass appropriate direction so that the victim is not traumatized, the appeal is partly allowed with the following conditions:

- (i) Conviction under Section 376 (2)(I) of IPC is upheld.
- (ii) Sentence of 12 years is reduced to the period already undergone i.e. 10 years and 2 months.
- (iii) Fine of Rs. 50,000/- (Rupees fifty thousand) is reduced to the amount earned by the appellant in the custody.
- (iv) The Superintendent of Manipur Central Jail, Sajiwa is directed to remit the same to the guardian of the victim as compensation.

[10] With this observation, the criminal appeal is disposed of. The appellant be released forthwith, if not required in any other case. The appellant is directed to reside in any other area not in the locality of the victim.

[11] This Court appreciates the assistance of Mr. Ajoy Pebam, learned counsel on behalf of the High Court Legal Aid Service Committee, Mr. Kh. Athouba, learned PP and Mr. Y. Ashang, learned PP on behalf of the State respondent assisted by Mrs. RK. Emily, learned Dy. G.A.

[12] Send a copy of this order to the Superintendent, Manipur Central Jail, Sajiwa for information and doing the needful.

KH.
JOSHUA
MARING

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by KH. JOSHUA
MARING
Date: 2025.09.04
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Kh. Joshua Maring

JUDGE