



2025:DHC:11665



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 18.11.2025
Judgment pronounced on: 19.12.2025
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+ **CRL.A. 1004/2025 & CRL.M.(BAIL) 1542/2025**

ANWAR HUSSAIN

.....Appellant

Through: Mr. Amjad Khan and Mr.
Sumit Kumar, Advocates

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Manoj Pant, APP for State

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****J U D G M E N T****Index to the Judgment**

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DR. SWARANA KANTA SHARMA, J

1. By way of the present appeal, the appellant is seeking setting aside of the judgment of conviction dated 31.01.2025 and order on sentence dated 05.07.2025, passed by the learned Additional Sessions Judge (POCSO), New Delhi District, Patiala House Courts, [hereafter '*Trial Court*'] wherein the appellant has been convicted for the commission of offences punishable under Sections 354A/354D/376/506 of the Indian Penal Code (hereafter '*IPC*') and Sections 6/8/12 of the Prevention of Children from the Sexual Offences Act, 2012 (hereafter '*POCSO Act*'), in Sessions Case No. 9109/2016, arising out of FIR No. 368/2015 registered at Police Station Sagar Pur, Delhi.

FACTUAL BACKGROUND

2. The case of the prosecution, in brief, is that between November 2014 and 06.05.2015, at a room situated in Main Sagarpur, New Delhi, the accused i.e. appellant herein had subjected two minor girls, i.e. victim 'X', aged about 7 years, and victim 'Y', aged about 9 years, to repeated acts of sexual abuse. It was alleged that the accused had shown pornographic videos and images to the victims, removed their undergarments, touched their private parts, and had sexually abused them on several occasions. It was further alleged that the accused had committed rape upon both the victims 'X' and 'Y' and had threatened to kill them in case they disclosed the incident to anyone. On the basis of the complaint filed by the mother of victim 'X', the present FIR was registered and the investigation was taken



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up.

3. During the course of investigation, the medical examination of both victims was conducted at DDU Hospital *vide* MLC Nos. 109 and 110/15. On 08.05.2015, the statements of victim 'X' and victim 'Y' were recorded under Section 164 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'], wherein victim 'X' stated that the accused had shown her obscene photographs and videos on his mobile phone, threatened her with a knife, coerced her into participating in inappropriate acts, followed her secretly, removed clothes, touched her inappropriately, and threatened to kill her if she disclosed the incidents. She also stated that similar acts were committed upon her and victim 'Y' together. Victim 'Y', in her statement under Section 164 of Cr.P.C. disclosed that the accused had dragged her into his room, shown obscene images and videos, threatened to kill her, and touched her inappropriately for about one month. During further investigation, the accused was arrested and his mobile phone was seized. The medical examination and potency test of the accused were conducted at DDU Hospital *vide* MLC No. 4126/15, wherein the doctor opined that there was no evidence to suggest that the accused was incapable of performing sexual acts. The dates of birth of the victims were verified from their first attending schools, revealing the date of birth of victim 'X' as 13.09.2005 and that of victim 'Y' as 29.11.2007. Statements of the teachers of both the victims were also recorded under Section 164 of Cr.P.C.



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4. Upon completion of investigation, the charge-sheet was filed against the accused. The learned Trial Court, *vide* order dated 21.07.2015, had framed charges against the present appellant/accused under Sections 354A/354D/376/506 of IPC, read with Sections 6, 8 and 12 of the POCSO Act.

5. The prosecution examined 11 witnesses in support of its case. The statement of accused was recorded under Section 313 of Cr.P.C., but no defence evidence was led by him. After the conclusion of the trial, the appellant herein was convicted by the learned Trial Court by way of the impugned judgment. *Vide* the order on sentence dated 05.07.2025, he was sentenced in the following manner:

- a. to undergo rigorous imprisonment for a period of 12 years and to pay a fine of Rs. 10,000/- for the offence under Section 6 of POCSO Act, and simple imprisonment for a period of 6 months in default of payment of fine.
 - b. to undergo simple imprisonment for a period of 03 years and to pay the fine of Rs. 5,000/- for the offence under Section 8 of POCSO Act, and simple imprisonment for a period of 3 months in default of payment of fine.
 - c. to undergo simple imprisonment for a period of 02 years and to pay the fine of Rs. 5,000/- for the offence under Section 12 of POCSO Act, and simple imprisonment for a period of 3 months in default of payment of fine.
6. Aggrieved by his conviction, the appellant has preferred this



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appeal.

SUBMISSIONS BEFORE THE COURT

7. The learned counsel appearing on behalf of the appellant argues that the learned Trial Court has convicted the appellant in a cursory and mechanical manner without proper appreciation of the evidence on record. It is contended that the prosecution case rests solely on the testimonies of the victims, which, according to the learned counsel, suffer from material contradictions, inconsistencies, and inherent improbabilities, which render them unreliable. It is further argued that there is no credible corroborative evidence in support of the prosecution case, as the medical examinations of the victims did not disclose any signs of sexual assault and the forensic evidence, including the FSL report, does not support the allegations. The learned counsel submits that there is an unexplained delay of about seven months in the registration of the FIR, which casts serious doubt on the veracity of the prosecution version. It is also contended that no obscene videos were recovered from the appellant's mobile phone, despite it having been seized and examined by the FSL, which thus demolishes the core allegations against the appellant. The learned counsel further submits that the very genesis of the case is doubtful, as the prosecution story allegedly originated from a phone call made by PW-9 (teacher), who, in her cross-examination, denied having made any such call to the parents of the victims. It is contended that the sentence awarded to the appellant is harsh, excessive, and disproportionate, particularly considering that the



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appellant has no prior criminal antecedents and has already undergone a substantial period of incarceration. It is, therefore, prayed that the impugned judgment of conviction and order on sentence be set aside.

8. The learned APP for the State, on the other hand, strongly opposes the present appeal and argues that the allegations against the appellant are of a grave and heinous nature, involving sexual offences against minor children. It is contended that the learned Trial Court has meticulously appreciated the oral and documentary evidence on record and has returned well-reasoned findings, which do not suffer from any illegality, perversity, or infirmity. The learned APP submits that the testimonies of the victims are cogent, consistent, and inspire confidence, and in cases involving sexual offences against children, the sole testimony of the victim is sufficient to sustain a conviction if found trustworthy. It is further argued that the delay in registration of the FIR has been satisfactorily explained, keeping in view the tender age of the victims and the trauma suffered by them and their family. The learned APP for the State also contends that the absence of injuries or negative forensic findings does not discredit the prosecution case, particularly in offences of this nature, where medical evidence is only corroborative. It is also submitted that the sentence awarded by the learned Trial Court is commensurate with the gravity of the offences proved against the appellant and does not call for any interference. Accordingly, it is prayed that the appeal be dismissed.



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9. This Court has **heard** arguments addressed by the learned counsel for the appellant and learned APP for the State, and has perused the material available on record.

ANALYSIS & FINDINGS

10. The present case is one wherein the prosecution has alleged that the appellant had repeatedly subjected two minor girls, i.e. victim 'X' and victim 'Y', to sexual abuse at his residence over a period of time and had threatened them with dire consequences in case they disclosed it to anyone. The victim 'X' and 'Y', both minors, had disclosed the incidents to their school teacher, who thereafter had informed the mother of victim 'X', who is the complainant in the present case.

A. Age of Victims

11. At the outset, insofar as the age of the victims is concerned, this Court notes that the prosecution has led evidence to establish that both victims were minors at the time of the commission of the offences. The learned Trial Court has examined this aspect in detail and has relied upon the school records produced and proved during the trial.

12. This Court notes that Ms. 'S', the Principal of the school in which the victims were studying, was examined as PW-1 before the learned Trial Court. She had brought the summoned school records pertaining to both the victims. In respect of victim 'X', she has deposed that as per the admission form and the admission and



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withdrawal register, her date of birth was recorded as 13.09.2005, and that she had been admitted to the school on 23.04.2011 in Class I-B. She has also stated that the original birth certificate was also furnished at the time of admission. This Court further notes that PW-1 has also deposed with respect to victim 'Y', stating that as per the admission form and the admission and withdrawal register, her date of birth was recorded as 29.11.2007 and that she had been admitted to the school on 22.04.2012 in Class KG-B. Her original birth certificate was also furnished at the time of admission.

13. This Court notes that the defence has not led any evidence nor question the aforesaid witness PW-1 on any material aspect, to contend that the entries contained in the school admission registers are incorrect. No argument, as such, has been addressed before this Court to dispute the age of victims. In these circumstances, this Court is of the opinion that the prosecution has successfully established that both victims were minors at the time of the incident, thus, attracting the provisions of the POCSO Act in the present case.

B. Appreciation of Prosecution Evidence

14. This Court notes that victim 'X' was examined as PW-2 before the learned Trial Court. She has deposed that one day, while she was playing with other children at a place resembling a ground in the street, the accused herein had come there and dragged her along with the other victim to his room. She stated that the accused used to show them obscene pictures and videos of naked men and women on his



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mobile phone and would tell them that they should also do such acts with him. She has further deposed that the accused had asked them to open the zip of his pants and, upon their refusal, he himself had opened the zip, put his hand inside, and made lewd remarks. PW-2 has further stated that the accused would tell them that their parents also indulged in such acts and would threaten them that if they disclosed the incidents to anyone, he would cut them into pieces, put the same in a sack, and throw it into a drain. Further, the accused used to remove their clothes and insert his private part into theirs, and that such acts continued for about one month. PW-2 has further deposed that these incidents were first disclosed by victim 'Y' to the music teacher at school and that one teacher 'S' had thereafter informed her mother, following which she herself had narrated all the facts to her mother. She has deposed that the matter was reported to the police, she disclosed these facts to the police, and later reiterated the same before the Court. PW-2 has correctly identified the accused in Court. In her cross-examination, PW-2 has admitted that the accused was a relative of her mother and that she, the other victim, and the accused were residing in the same house, which was a large house. She has further stated that the accused lived in one room along with his wife and three children and that apart from the two victims, other children also used to play around the area.

15. Victim 'Y' was examined as PW-3 before the learned Trial Court, and she has deposed that while she used to play along with victim 'X' and other children, the accused would call her through



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another child and drag her into his room. She has stated that the accused used to show her obscene movies depicting men and women and, after showing such videos, would tell her that if she did such acts with him, she would enjoy it. PW-3 has further deposed that the accused used to ask her to remove her pants and, upon her refusal, would scold her. The accused would then remove his own pants as well as hers and thereafter would put his hand into her private parts and manipulate the same. PW-3 has further deposed that when she cried, the accused would put his hand on her mouth and thereafter open the door and tell her to go, while threatening her not to disclose the incidents to anyone by saying that she could not even imagine what he would do to her if she spoke about it. She has further stated that the accused used to follow her when she went for tuition and that he was indulging in similar acts with other children, including victim 'X'. PW-3 has also deposed that the accused had inserted his private part into her private part and that on one occasion she had witnessed the accused doing the same act with victim 'X', whereupon she had intervened and rescued her by threatening to raise an alarm and call others. She has further deposed that she had disclosed these incidents to her class teacher, who thereafter had informed her father, following which the matter was reported to the police. PW-3 has stated that she was taken to the hospital by the police for medical examination and that she subsequently narrated the same facts before the Court. She had correctly identified the accused before the learned Trial Court. In her cross-examination, victim 'Y' stated that she had



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not disclosed the incidents to her mother or to any other person prior to disclosing the same to her teacher. She has further stated that she was residing in a large three-storeyed house and that the accused, as well as the other victim, were residing in the same premises. She has stated that the accused was living in one room along with his family. She has further deposed that there had been no prior dispute between the accused and her family, though a quarrel had taken place after the incidents came to light.

16. This Court notes that Ms. S, the mother of victim 'X', was examined as PW-4 before the learned Trial Court. She has deposed that she had two children, one son and one daughter, and that her daughter, aged about seven years, was studying in Class III. She has deposed that on 07.05.2015, at about 11:30 a.m., while she was present at her house, she had received a call from the teacher of her daughter, asking her to come to the school. Further, the mother of the other victim 'Y' was also called by the teacher, as both children were studying in the same school. When she had reached the school, the school time was already over and the children had left. The teacher had then enquired from her about the identity of Anwar, to which she replied that he was related to her as an uncle. The teacher had then informed her that victim 'X' and victim 'Y' had disclosed that the accused Anwar was doing wrongful acts with them. PW-4 has deposed that although the teacher initially expressed her inability to narrate the acts in detail, upon insistence, she informed PW-4 that the accused used to show obscene films to both children on his mobile



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phone and asked them to imitate the acts shown therein. When the children refused, the accused would threaten them that he would chop their heads, put them in a jute bag, and throw them into a drain. PW-4 has further deposed that the accused also used to show a video depicting a headless person to further threaten the children. PW-4 has stated that when the teacher had questioned her as to how such acts could have continued for a long time without her knowledge, she had informed the teacher that her daughter had never disclosed these facts earlier. She thereafter had enquired from her daughter about the incident, whereupon victim 'X' had told her that the accused used to show obscene films, remove their undergarments, touch their private parts, ask them whether they felt good, open the zip of his pants, and ask the children to touch his private parts. PW-4 has further deposed that after returning from the school, she had informed her husband about the incident. She had then gone to the house of the accused, where his wife was present. Upon enquiring about the accused, she was informed that he had gone for work. Despite repeated calls made by PW-4 and her husband, the accused did not return and instead concealed himself at the residence of a relative. PW-4 has also deposed that when her husband and other relatives went to the room of the accused, his wife had started quarreling with them. Thereafter, PW-4 had called the police at number 100, pursuant to which the police had reached the spot, recorded her statement, and registered the present FIR.

17. This Court further notes that Sh. S.N., the father of victim 'Y',



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was examined as PW-5 before the learned Trial Court, who has deposed that he had three daughters, of whom victim 'Y', aged about nine years, was the eldest and was studying in the same school as victim 'X'. He has deposed that the accused was residing as a tenant along with his family in one room on the ground floor of the same premises where PW-5 was residing. He has stated that on 07.05.2015, while he was present in his room, he had received a call from the class teacher of victim 'Y', who had asked him to come to the school. He had gone to the school, where the mother of victim 'X' had also arrived. He has deposed that the teacher had enquired from him about the identity of Anwar, and he had informed her that the accused was residing as a tenant in their house and was related as a 'chacha' to the mother of victim 'X'. The teacher informed him that during interaction with the students, victim 'Y' had disclosed that the accused used to show obscene films to her and victim 'X' on his mobile phone and asked them to imitate the acts shown therein. PW-5 has also deposed that his daughter had disclosed to him that the accused used to remove their undergarments, insert his finger into their private parts, ask them whether it felt good, open the zip of his pants, and ask them to touch his private part. He would also show them a frightening video depicting a headless person and threaten them that he would do the same to them if they did not comply with his demands. PW-5 has deposed that upon enquiring from his daughter, she corroborated the aforesaid facts to him. After returning from the school, he had gone to his workplace and later came back



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home in the evening, where he had found a dispute going on between the wife of the accused and the mother of victim 'X' regarding the incident. Thereafter, the police had been called at the spot.

18. Ms. L., a teacher in the school where the victims were studying, was examined as PW-6 before the learned Trial Court. She has deposed that on 06.05.2015, the Principal of the school, Ms. S., had announced that every Wednesday the last period would be designated as a Teacher Interaction Period (TIP), to enable students to share their personal problems. PW-6 has stated that on the same day, she had interacted with the students of Class V-B during the said period; however, on that day, victim 'Y' did not disclose anything to her. On 07.05.2015, she noticed that victim 'Y' appeared tense. Upon enquiring repeatedly about the reason, victim 'Y' disclosed that one "Anwar Uncle", residing in her neighbourhood, had been harassing her for some time. She stated that the accused used to stare at her, wink at her, follow her to her tuition classes, touch her private parts from behind, and show her obscene films on his mobile phone. PW-6 has further deposed that victim 'Y' also told her that the accused was committing similar acts with victim 'X' and that he used to threaten her with death if she disclosed these facts to anyone. She has deposed that upon coming to know of the said facts, she had informed the Principal/Vice-Principal of the school and that the parents of victim 'X' and victim 'Y' were accordingly informed. She has further deposed that the father of victim 'Y' had come to her, whereupon she had narrated all the aforesaid facts to him and took him to the office



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of the Principal/Vice-Principal.

19. The broad facts and allegations, as clearly emerging from the testimonies of the victims (PW-2 and PW-3), their respective parents (PW-4 and PW-5), the school teacher (PW-6), read conjointly with the records and attendant circumstances, are as under:

- Both the victims, who were of tender age at the relevant time, were residing in the same premises as the accused, and were familiar with him.
- During the period in question, the accused had repeatedly called the victims into his room, showed them obscene photographs and videos on his mobile phone, and attempted to normalise such acts by making sexually explicit remarks.
- The accused had also subjected the victims to repeated acts of sexual assault by touching their private parts, removing their undergarments, and forcefully established sexual relations with them, accompanied by intimidation and threats of dire consequences in case of disclosure.
- The victims were threatened with death and grievous harm, including being shown disturbing visuals, which had caused them to remain silent for a considerable period of time.
- One of the victims, i.e. victim 'Y', had ultimately disclosed the acts of sexual abuse to the school teacher (PW-6), who had informed the school authorities and the parents of the victims.
- Upon being informed, the parents of the victims had confronted the wife of the accused, as the accused was



missing, and thereafter, reported the matter to the police.

20. Accordingly, this Court finds that the prosecution has placed on record a clear and consistent chain of events through the testimonies of the victims and the supporting witnesses. The evidence establishes that the accused, taking advantage of the tender age, vulnerability, and trust reposed in him due to his proximity and familiarity with the victims, had subjected them to repeated sexual abuse over a period of time, accompanied by intimidation and threats which prevented them from disclosing the acts earlier.

C. Presumptions under the POCSO Act

21. In the statutory scheme of the POCSO Act, once the prosecution is able to establish the foundational facts constituting the offence, the statute requires the Court to draw certain presumptions against the accused. These presumptions operate to shift the evidentiary burden upon the accused, who is then required to rebut the same by leading cogent and convincing material. Sections 29 and 30 of the POCSO Act, which embody this legislative mandate, are extracted hereunder:

“29. Presumption as to certain offences.

Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3,5,7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be, unless the contrary is proved...

30. Presumption of culpable mental state.

(1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the



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Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.— In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact."

22. In view of the aforesaid statutory provisions, once the prosecution evidence in the present case establishes the foundational facts – that the victims were minors, that they have given consistent and credible accounts of sexual abuse committed upon them by the accused, and that the surrounding circumstances emerging from the investigation and testimonies of other prosecution witnesses lend corroboration to their version – the statutory presumptions under Sections 29 and 30 of the POCSO Act are clearly attracted. Consequently, the evidentiary burden shifts upon the appellant to rebut these presumptions. As shall be noticed in the subsequent part of this judgment, the appellant has failed to rebut the same by any cogent or convincing material.

D. Defence Put Forth by the Accused

23. The primary defence taken by the appellant in his statement under Section 313 of the Cr.P.C. is that he has been falsely implicated on account of alleged personal or financial disputes between his family and the parents of the victims. No defence



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evidence was led by him, nor was any other argument in defence, as to why he has been allegedly falsely implicated, was advanced on behalf of the appellant.

24. This Court finds that the aforesaid defence of the accused remains wholly unsubstantiated. No material has been placed on record to establish the existence of any prior enmity, dispute, or motive which could reasonably explain as to why two minor girls of tender age would falsely level allegations of such a grave and sensitive nature against the appellant. On the contrary, the evidence on record shows that the appellant was a person of trust, residing in the same premises and enjoying proximity and easy access to the victims. This bald plea of false implication fails to discredit the consistent statements made by the victims – first to their school teacher, thereafter to their parents, then to the police, and finally before the Courts.

25. The defence version, therefore, appears to be a mere afterthought, unsupported by any evidentiary foundation, and has been rightly rejected by the learned Trial Court.

E. Contentions of the Accused Regarding Inconsistencies, Delay in Lodging FIR, and Absence of Medical Evidence

Alleged Inconsistencies in Testimony

26. The appellant has contended that there are inconsistencies in the testimonies of the victims and other witnesses. This Court finds that the discrepancies so pointed out are only minor in nature and do



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not affect the core of the prosecution case. The victims have consistently narrated the manner in which the accused showed them obscene material, subjected them to sexual acts, and intimidated them with threats of death. Their testimony, when read as a whole, is coherent, natural, and inspires confidence. Minor variations are bound to occur, particularly when child victims recount traumatic experiences after the passage of time.

27. It is well settled that minor inconsistencies in the testimony of a victim of sexual assault cannot be a ground for discarding the prosecution case [Ref: *State of Punjab v. Gurmit Singh*: (1996) 2 SCC 384; *Pappu v. State of Uttar Pradesh*: 2022 SCC OnLine SC 176]. In the present case, the victims have remained consistent in their statements before the police, the doctors during their medical examination, under Section 164 of the Cr.P.C., and during their deposition before the learned Trial Court. This Court finds no material contradiction in their evidence which would justify disbelieving or discarding their testimonies.

Delay in Lodging the FIR

28. As regards the delay between the alleged dates of incidents and the registration of the FIR, this Court concurs with the view taken by the learned Trial Court that the delay stands satisfactorily explained. The evidence on record clearly shows that the victims were repeatedly threatened with serious consequences and were frightened into silence. It was only when one of the victims gathered the courage



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to disclose the abuse to her school teacher that the matter came to light, whereafter the FIR was lodged without undue delay.

29. In cases involving child sexual abuse, delay in reporting is not uncommon and is often expected, given the fear, shame, and psychological trauma suffered by the victims. The explanation offered in the present case is natural, reasonable, and consistent with normal human conduct. Accordingly, the delay in lodging the FIR does not weaken or undermine the prosecution case.

Absence of Medical Evidence

30. The appellant has also laid emphasis on the absence of an internal medical examination of the victims and has contended that there is no medical evidence in support of the prosecution case.

31. This contention, in the opinion of this Court, is devoid of merit. The refusal by the parents to subject the victims, aged about 7 years and 9 years, to internal medical examination cannot be viewed adversely. Such examinations particularly in the cases of young children, are often declined out of genuine concern for the child's physical and psychological well-being rather than with the motive to further the case of prosecution as if nothing had happened.

32. It is also well settled that medical evidence is essentially corroborative in nature. Where the testimony of the victim is found to be reliable, consistent, and trustworthy, the absence of medical corroboration does not, by itself, render the prosecution case doubtful or unacceptable. *It is also a matter of record*, as reflected in the



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MLCs, that no biological samples of the victims were collected by the examining doctors since the last alleged contact was more than 10 days and 15 days prior to the medical examination, rendering such collection medically inconsequential.

33. In this regard, it would be apposite to take note of the following observations of the Hon'ble Supreme Court in ***Deepak Kumar Sahu v. State of Chhattisgarh***: 2025 SCC OnLine SC 1610:

“5.5. In cases of offences committed under Section 376, IPC, when the story of the victim girl as told in the evidence is found credit-worthy, the apparent insufficiency of medical evidence pitted against acceptable testimony of the victim, the latter would prevail. In *State of Punjab v. Gurmit Singh* [(1996) 2 SCC 384] it was observed:

In the absence of injury on the private part of the prosecutrix, it cannot be concluded that the incident had not taken place or the sexual intercourse was committed with the consent of the prosecutrix. The prosecutrix being a small child of about nine years of age, there could be no question of her giving consent to sexual intercourse. The absence of injuries on the private part of the prosecutrix can be of no consequence in the facts and circumstances of the present case.

(Para 16)

5.5.1. In *State of Himachal Pradesh v. Manga Singh*, [(2019) 16 SCC 759], which was also a case in relation to the offence committed under Section 376, IPC where the prosecutrix was minor girl aged 9 years, she was staying in her aunt's house pursuing her studies. When the offence of rape was committed against her, she narrated the story to her teacher. The High Court gave the benefit of doubt to the accused on the ground, *inter alia*, that the medical evidence of the doctor was not conclusive to hold that the prosecutrix was subjected to sexual intercourse.

5.5.2. This Court observed that if the evidence of the victim does not suffer from any basic infirmities and the factor of probability does not render it unworthy evidence, the



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conviction could base solely on the evidence of the prosecutrix. It was further observed that as a general rule there is no reason to insist on the corroboration except in certain cases, it was stated.”

34. In the present case, the evidence of the victims inspires confidence and stands independently sufficient to sustain the prosecution case.

F. Prosecution Case Proven Beyond Reasonable Doubt

35. Upon an overall assessment of the evidence on record, this Court finds that the prosecution has proved its case beyond reasonable doubt. The testimonies of the victims are natural, consistent, and free from any material infirmity. Their version stands corroborated by the testimony of the school teacher, the parents, and the surrounding circumstances. The age of the victims has been duly proved through school records, which remained unchallenged by the defence. The offences were committed in circumstances where the accused had clear access to the victims, as well as the opportunity and dominance over them.

36. The statutory presumption under the POCSO Act remains unrebutted. The defence has failed to place on record any material to probabalise an alternative version or to create a reasonable doubt in the prosecution case.

37. This Court is therefore of the considered view that the learned Trial Court has appreciated the evidence in a careful, sensitive, and legally sound manner, keeping in view the vulnerability of child



victims and the settled principles governing cases under the POCSO Act. Consequently, this Court holds that the conviction of the appellant under Sections 354A/354D/376/506 of IPC read with Sections 6/8/12 of the POCSO Act is fully justified and calls for no interference.

38. Insofar as the order on sentence is concerned, the learned Trial Court has observed as under:

“12. The convict in the present case did not bother about tender age of the minor victims and not only exposed them to pornographic material but also forced himself upon them to satiate his lust and kept them under a constant terror which must have weighed in their minds every time. His devilish acts continued for around six months with both the minor victims and he did not bother for the reaction of the society towards him while committing such despicable acts with the minor victims.

13. Thus, the penalty to be awarded to the convict should commensurate with the gravity of these loathsome acts so that it serves as an effective deterrence to the like minded perverts. It is trite that mitigating circumstances should also not be lost sight of while awarding the sentence and must be given due weightage.

18. Thus taking into consideration the aggravating and mitigating circumstances including gravity of the offence, age of the child victims and the convict, family condition of both the sides as well as social and economic factor governing them, **the convict Anwar Hussain is sentenced for a period of twelve years of rigorous imprisonment for the offence punishable u/s 6 POCSO Act. He is further sentenced to simple imprisonment for a period of three years for commission of offence u/s 8 POCSO Act and he is further sentenced to simple imprisonment for a period of two years for committing sexual harassment u/s 12 POCSO Act. In so far as commission of offence of criminal intimidation u/s 506 IPC is concerned, convict is sentenced to simple imprisonment for a period of two years u/s 506 IPC.”**



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39. This Court is of the view that sentence awarded to the appellant is proportionate to the gravity and nature of the offences, the tender age of the victims, the prolonged period over which the appellant had abused the victims, showed them pornographic content, and the position of dominance and control exercised by the appellant. The learned Trial Court has duly taken into account both the aggravating and mitigating circumstances, including the personal and social factors relating to the parties. The punishment awarded to the appellant, i.e. rigorous imprisonment for a period of twelve years for the offence under Section 6 of the POCSO Act, wherein the prescribed minimum sentence is ten years and the maximum is imprisonment for life, is neither excessive nor disproportionate. Accordingly, this Court finds no ground to interfere with the order on sentence passed by the learned Trial Court.

G. Decision

40. For the foregoing reasons, this Court finds no merit in the present appeal. The judgment of conviction dated 31.01.2025 and the order on sentence dated 05.07.2025 passed by the learned Trial Court, are hereby affirmed.

41. The appeal, alongwith pending application, is accordingly dismissed.

42. The Registry is directed to send a copy of this judgment to the concerned Jail Superintendent. Since the appellant is in judicial



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custody, a copy of this judgment shall be supplied to the appellant by the concerned Jail Superintendent.

43. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 19, 2025/ns

T.S./T.D.