GAHC030003022026

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

Case No. : CRL.A(J)/16/2026

Sh. Saitawna and Anr.
S/o Lianluaia
R/o Dilkawn
Champhai District

2: Sh. Vanlalmawi

VERSUS

State of Mizoram and Anr.
Aizawl2:Smt. Lalhminghlu

Advocate for the Petitioner : Mr. C Tlanthianghlima (Amicus Curiae)

Advocate for the Respondent : P.P./Addl.PP, Mizoram for R1

:::BEFORE:::

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

HON'BLE MRS. JUSTICE HELEN DAWNGLIANI

Date on which judgment is reserved : 14.10.2026

Date of pronouncement of judgment : 30.10.2026

Whether the pronouncement is of the Operative part of the judgment : NA

Whether the full judgment has been Pronounced : Yes

Judgment & Order(CAV)

(Helen Dawngliani,J)

Heard the learned counsels.

2. This is an appeal submitted by Sh. Saitawna and Sh. Vanlalmawia, who were convicted for the offence punishable under Section 6 of the POCSO Act and sentenced to undergo Rigorous Imprisonment for 20 years with a fine of Rs. 5,000/- and, in default, to further undergo Simple Imprisonment for 3 months vide Judgment & Order dated 14.11.2025 passed by the Presiding Officer, Fast Track Special Court, Rape & POCSO Act, 2012, Champhai in

FTSC(CPI) POCSO No. 92/2025 arising out of CPI P.S. Case No. 48/2024 dated 18.03.2024 under Section 6 of the POCSO Act r/w Section 376 AB IPC.

3. The brief facts of the case is that on 18.03.2024, one Lalhminghlui of Dilkawn submitted a written FIR to the Officer-in-Charge, Champhai P.S., to the effect that from the year 2013, her daughter 'X' was sexually molested by their neighbor, Saitawna/appellant No. 1, inside her house as well as inside his house, and that she was also subjected to sexual intercourse many times between 2016 and Dec 2024. The informant further stated that Sh. Vanlalmawia s/o Saitawna, from the year 2013, sexually assaulted her said daughter by touching her private part in her house as well as in their home, and that he had also raped her many times between 2016 and Feb 2024. The informant further stated that while her daughter was attending school, one of her teachers asked the students to write a note on an incident in their lives which they had not disclosed to anyone. The victim wrote about such incidents of rape and sexual assault committed upon her, which is how they came to know about the offence. In the year 2013, her said daughter was only 5 years old.

4. On the basis of the FIR, Champhai P.S. Case No. 48/2024 dated 18.03.2024 under Section 6 of the POCSO Act read with Section 376 AB IPC was registered and investigated. Upon completion of investigation, a prima facie

case under Section 6 of the POCSO Act read with Section 354A(2) IPC was found well established against the two appellants, who are father and son, and a final report under Section 173 of the CrPC was laid against them. On 02.07.2024, charges under Sections 6 & 12 of the POCSO Act, 2012 were separately framed against both the accused persons. The charges were read out and explained to them, to which both pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution examined 9 witnesses and both the appellants were examined as their own witnesses. They were also separately examined under Section 313 CrPC / Section 351 of the BNSS. Thereafter, arguments were heard and the impugned Judgment & Order dated 14.11.2025 was passed by the Learned Judge, Fast Track Special Court, Rape & POCSO Act (Champhai), by which the appellants were convicted and sentenced as mentioned above.

6. The evidence recorded before the learned Trial Court is as below:

i) PW-1/ Lalhminghlui, mother of the victim, stated that they came to know about the incident on 17.03.2024 from their church elder, Sh. H.C. Lalropuia. Upon questioning, the victim told her that, when she was about nine years old, Sh. Vanlalmawia/appellant No. 2, raped her inside her house and thereafter raped her whenever he found an opportunity. She further stated that

Sh. Saitawna/appellant No. 1, used to carry the victim on his lap when she was a child and touch her private parts, and later subjected her to sexual intercourse whenever her parents were away. According to PW-1, appellant No. 2 committed sexual intercourse with the victim from 2016 to February 2024, while appellant No. 1 did so from 2016 to December 2023.

In her cross-examination, she stated that her knowledge about the incident was derived from her daughter and she had never suspected that Sh. Saitawna/appellant No. 1 and his son, Sh. Vanlalmawia/appellant No. 2, would behave in such a manner toward her daughter.

ii) PW2/X is the victim deposed that when she was a small child and had not yet started attending school, the family of Sh. Saitawna/appellant No. 1 used to babysit her, and in those days, Sh. Saitawna/appellant No. 1 used to carry her on his lap and he would touch her private parts. Sh. Vanlalmawia/appellant No. 2, who is the son of Sh. Saitawna/appellant No. 1, used to come to their home when she was in class IV and, while her parents were not at home, he took off her pants and raped her, and that this incident took place around the year 2016. Prior to this, he used to touch her private parts, and the first time he committed rape upon her, her private part was bleeding. Thereafter, Sh. Vanlalmawia/appellant No. 2 used to rape her

whenever her parents were not at home and whenever he found an opportunity. Before they reconstructed their house, the said appellants used to call her below their house and used to indulge in sexual intercourse with her. On such occasions, if she was menstruating, he used to make her suck his private parts, but the said Sh. Vanlalmawia never ejaculated inside her. She further stated that the said Vanlalmawia has raped her inside her own room, on Mama's bed, and mostly inside the bathroom. She further stated that from the year 2016, Sh. Saitawna/appellant No. 1 used to indulge in sexual intercourse with her whenever he saw an opportunity during lunch break when she returned home and even after school. She stated that he used to indulge in sexual intercourse with her on U Mama's bed, inside her bathroom, inside their house, and on U Ctei's bed, and that Sh. Saitawna/appellant No. 1 used to put on a condom every time he indulged in sexual intercourse.

The victim also stated that during the year 2021, while the accused/appellant No. 1 was reconstructing his house, he used to have sexual intercourse with her almost every day, up to the year before last, i.e., the ending of 2022 (as her deposition was recorded on 09.09.2024). She stated that their teacher, Miss Hmingliani, asked them to write down an incident which they had not disclosed to anyone, and this time she wrote about the sexual

misbehavior directed at her from her childhood. The victim further stated that in the month of January 2024, Sh. Saitawna/appellant No. 1 came to her home and as she was bending down to light the fire, he hugged her from the back, at which time she hit him with her hand holding a wooden log, and he immediately left. Thereafter, Sh. Saitawna/appellant No. 1 came again and asked her if she had ever told anyone about the sexual intercourse, and when she replied in the negative, he told her not to tell anyone. Thereafter, Sh. Saitawna/appellant No. 1 also came to her house again and asked a specific question as to whether she had informed Miss Hmingliani, and also stated that she would be a full-grown lady soon, that the disclosure was shameful, and that it would be a problem between the two families. The victim also narrated the disclosure made by her teacher to the Pastor, the counseling given to her by the Pastor and the church elders. She also stated that both the accused used to babysit her when she was a child, that both of them had sexually molested her ever since she was about 5 years old, and that from the time she was 9 years old, both the accused/appellants indulged in sexual intercourse with her and told her not to talk about it to anyone.

She stated that the two accused persons had sexual intercourse with her on many occasions and that Sh. Saitawna/appellant No. 1 last had sexual

intercourse with her during December 2023 and Sh. Vanlalmawia/appellant No. 2 last had sexual intercourse with her during February 2024. The victim further stated that she is feeling terrible about what had happened to her and so she was scared to tell anyone, when she disclosed the mishap to her teacher, she was asked if she wanted to tell her parents. Initially, she was extremely hesitant, but after she discussed it with her teacher, they made a disclosure to her family. She further clarified by stating that the bathroom which she mentioned is her own bathroom and that she was also raped by the two accused persons in their house. She reiterated that she was raped at Sh. Saitawna/appellant No. 1's house, at U Ctei's room, and in the godown below the residence of the accused. She further stated that Sh. Vanlalmawia/appellant No. 2 raped her in their house as well as in her house, and his father, Sh. Saitawna/appellant No. 1, raped her inside her house. She clarified by stating that the sexual intercourse was in the form of penile-vaginal penetration. Over and above this, the accused Sh. Vanlalmawia/appellant No. 2 used to make her suck his private parts. She stated that while she was in middle school, they used to rape her after school, and while she was in high school, they used to rape her during lunch break. She further stated that Sh. Vanlalmawia/appellant No. 2 used to make her watch pornography around five times. She further stated that because of the early sexual molestation, she has

a high libido and even during study camp, she had to take about 7 painkillers to help her sleep.

In her cross-examination, she stated that the two accused persons did not rape her at the same time, and she believed that both of them did not know about the conduct of each other. She stated that both of them did not use physical force before indulging in sexual intercourse with her, and she did not know how to resist them either. She stated that she has never invited them for sexual intercourse, and before she disclosed it to her teacher, she had earlier vaguely mentioned it to four of her friends in school. She also stated that due to the encouragement from her teacher, she had the strength to fight back and to report to the police.

iii) PW3/Lalhmingliani, a teacher at Government Dilkawn High School, stated that in the latter part of 2022 she asked Class X students to write about a secret issue they had faced in their lives. The victim wrote about sexual molestation committed upon her since childhood and the rapes which continued thereafter. On speaking to the victim, the teacher found the disclosure to be true. The victim was initially reluctant to inform her parents. After her Class X examination, the matter was discussed with the Pastor and church elders, and counseling was arranged in January 2024.

In her cross-examination, she admitted that her information regarding the sexual intercourse was derived solely from the victim, the victim did not clearly mention the specific dates and times of the incidents, but stated that they happened since her childhood. As the victim refused to disclose what happened to her in public, she had not previously heard of both accused having bad reputation for similar context.

iv) PW4/H.C. Lalropuia, a church elder, stated that he came to know of the incident from Rev. Lalthatluanga, who had received the disclosure from the victim's teacher. He contacted the victim's father and disclosed the matter to him.

v) PW5/Rev. Lalthatluanga, the Pastor, in his deposition stated that he came to know of the incident from the victim's teacher and discussed the matter with church elders. As the victim was not ready to inform her parents until her Class X examination was over, they waited and thereafter informed her parents through the church elder.

In his cross-examination, he stated that the victim did not share all the details of the incident with him, and his knowledge was limited to the information received from the teacher.

vi) PW6/Sainguri Sailo and PW7/Lalrinmuani witnessed the seizure of the birth certificate of the victim by S.I. Liansangpuii on 19.03.2024 at about 11:30 PM at Champhai P.S.

vii) PW7/Lalrinmuani, the elder sister of the victim, stated that on 19.03.2024 she submitted the victim's birth certificate to the IO, which was seized between 11:00 AM and 1:00 PM on 19.03.2024 by the police.

viii) PW8/Dr. Crossnunpuii conducted the medical examination of the victim on 18.03.2024. The medical examination report is at Exbt P-20, and as per the exhibit, the hymen of the victim was not intact.

ix) PW9/Liansangpuii, the IO, stated that the FIR was received by Champhai P.S. on 18.03.2024 and she conducted the investigation upon endorsement. During investigation, she seized the original birth certificate of the victim, wherein her date of birth is registered as 02.08.2008. The victim and the accused were medically examined, and statements of the witnesses were recorded. The victim's statement was also recorded by the Judicial Magistrate First Class. Based on her investigative findings, she concluded that the two appellants had committed offences under Section 5(1) of the POCSO Act and Section 354A(1) IPC, punishable under Section 6 of the POCSO Act r/w Section

354A(2) IPC. Accordingly, she submitted a charge sheet against both accused.

In her cross-examination, she admitted that the two accused persons engaged in sexual intercourse with the victim's consent several times. She also admitted that accused Sh. Vanlalmawia/appellant No. 2 caused the loss of the victim's virginity and that at the time, appellant No. 2 had not attained the age of majority. She admitted that as per the medical examination report, there was no specific finding establishing that the two accused persons committed sexual intercourse, nor did the medical expert highlight the mental state of the victim.

Examination of the accused/appellants under Sections 313 CrPC/351 BNSS shows that their responses were general denials without further explanation of their innocence. However, both expressed their desire to adduce defense evidence.

7. Sh. Saitawna/appellant No. 1 stated that the victim was romantically attracted to his son, Vanlalmawia/appellant No. 2, but her feelings were not reciprocated. According to him, the allegations arose after his son returned to their village with his girlfriend, and were borne out of jealousy. He stated that the allegations were completely false. His son spent Christmas of 2023 and New Year at Champhai and returned to their village only in March 2024, having previously resided in Shillong and Aizawl, as such, the allegations of sexual

intercourse could not be correct.

In his cross-examination, he stated that around 10.03.2024, his son, Sh. Vanlalmawia/appellant No. 2, brought home a wife, and the dispute started out of jealousy. He stated that he and the victim are next-door neighbors separated only by a wall, and the allegations against him and his son are totally false. He could not recall the exact period his son spent in Shillong and Aizawl. He disagreed to the suggestion that the allegations of rape against appellant No. 2 pertained only to incidents prior to the year 2023.

8. Sh. Vanlalmawia/appellant No. 2, in his defense, stated that he never forcefully had sexual intercourse with the victim. He admitted that during the year 2016, he and the victim engaged in sexual intercourse. During 2018, when he was alleged to have committed rape, he was staying in a hostel at Einstein School, though due to COVID-19 he returned to his village where his family was quarantined, there no opportunity to meet the victim. During the year 2021, he was in Aizawl and Shillong, so there was no opportunity to meet the victim. During 2023, he spent Christmas at Champhai and remained there until February 2024. In March 2024, he briefly visited his village, at which time he was arrested on false allegations. He stated that between Christmas 2023 and his return to the village in 2024, he and the victim did not meet.

In his cross-examination, he admitted that he and the victim are neighbors and reiterated that in 2016, he and the victim engaged in sexual intercourse.

Arguments of the parties:

9. Mr. C. Tlanthianghlima, learned Amicus Curiae appearing for both appellants, challenged the judgment and order by submitting that the charge was inappropriately framed. The charge framed by the trial court used the term "sexual assault," whereas the charged provisions were under Sections 6 and 12 of the POCSO Act. This is not in consonance with the provisions for framing of charges, since the specific offence was not clearly described in the charge, merely citing the statutory provisions was insufficient to give proper notice of the charges to the accused/appellants.

Secondly, it was submitted that from the FIR, it is clear that the allegations against both appellants constitute a continuing offence. In respect of Sh. Vanlalmawia/appellant No. 2, the evidence is vague and sketchy, with the only admitted act being the sexual intercourse between the victim and appellant No. 2 in the year 2016. According to learned counsel, the criminal law amendment took effect from the year 2019, as such, even if convicted, the amended penal provisions would not apply, and any penalty imposed must

conform to the statutory scheme prior to the amendment.

10. On the other hand, Mrs. Vanneihsiami, learned Additional Public Prosecutor, submitted that the evidence led by the prosecution is clear and consistent in establishing that the appellants committed rape upon the victim repeatedly. The learned Additional Public Prosecutor submitted that while there may be a linguistic error in the framing of the charge, the body of the charge explicitly mentions that the accused persons committed offences under Sections 6 & 12 of the POCSO Act, making the nature of the offence known without causing prejudice. The learned Additional Public Prosecutor further submitted that the victim remained consistent in her statements during pre-trial and trial without rebuttal, and the testimony of the victim alone is sufficient to sustain conviction. Regarding the irregularity in framing the charge, the learned Additional Public Prosecutor submitted that this issue was never raised during trial up to the filing of written arguments, nor was it shown to the trial court that any error resulted in prejudice to the accused. The learned Additional Public Prosecutor placed reliance on the decision in ***Deepak Kumar Sahu* v. State *of Chhattisgarh,*** reported in ***(*2025) *SCC OnLine* SC *1610.*** It was also submitted that the error in framing charge have not prejudiced the appellants. The learned counsel, therefore, submitted that no

reasonable grounds have been made out to interfere with the judgment and order passed by the learned Trial Court.

11. Ms. Lalngaihsaki Fanai, learned Legal Aid Counsel for respondent No. 2, adopted the submissions of the learned Additional Public Prosecutor and further submitted that reading the charge as a whole makes the underlying offence clear.

The learned counsel placed reliance on the decision in ***Sandeep Yadav*** **v.** ***Satish*** reported in ***(*****2026****)*** ***INSC 301*****.**

Analysis

12. The first contention requiring consideration is whether the defect in framing the charges vitiates the trial? In this regard, Section 211 Cr.PC/Sec 234 BNSS provides that at the time of framing of charge the charge should contain the offence with which the accused is charged and if the law gives a specific name, the offence may be described in the charge by that name only.

13. In the instant case while charge was framed for the offence punishable u/s 6 and 12 POCSO Act, the term 'penetrative sexual assault' was not used and instead the offence was referred to as "sexual offence".

14. The principles underlying Sections 211 to 215 and 464 of the Code of

Criminal Procedure, 1973, recognizes the distinction between fundamental illegality and curable defect in the framing of a charge.

15. In ***Sandeep Yadav (supra),*** the Hon'ble Supreme Court reiterated that a defect in framing or signing a charge does not, by itself, justify setting aside the proceedings or ordering a fresh trial. The Court must examine whether the accused was misled and whether the irregularity resulted in a failure of justice.

16. In ***Deepak Kumar Sahu (supra),*** the Hon'ble Supreme Court held that the validity of a charge must be tested on whether the accused understood the case against him and was afforded a fair opportunity to defend himself.

17. In the case of ***Main Pal & Anr v. State of Haryana*** reported in ***(2004) 10 SCC 692,*** the Supreme Court held that the object of framing a charge is to give the accused a clear idea of the accusation and the essential facts which he must meet. While assessing prejudice, the court must look to the substance rather than technicalities.

18. The same underlying principle requires this Court to examine the charge as a whole, rather than isolating a particular expression from the remainder of the charge and the proceedings. In the present case, the appellants were charged under Sections 6 and 12 of the POCSO Act. The prosecution case, as

disclosed by the FIR, the victim's statement and the evidence led during trial, concerned allegations of repeated sexual abuse, including penile-vaginal penetration and other sexual acts.

19. The appellants participated in the trial, cross-examined the prosecution witnesses and adduced their own evidence. Their defence was not confined to a general denial. Appellant No. 1 advanced a plea of false implication arising from alleged jealousy, while appellant No. 2 sought to explain his whereabouts during various periods and admitted sexual intercourse with the victim in 2016.These circumstances indicate that the appellants were aware that the prosecution was alleging sexual acts against the victim during her childhood. The fact that the appellants were able to advance a defence directed towards those allegations is relevant when considering whether they were actually misled by the wording of the charges.

20. Section 6 of the POCSO Act punishes aggravated penetrative sexual assault. The prosecution must therefore establish the ingredients of penetrative sexual assault under Section 3 and at least one of the aggravating circumstances specified in Section 5. A charge merely referring to "sexual assault" cannot automatically be treated as sufficient in every case to establish aggravated penetrative sexual assault. As such, if the charge, read as a whole,

disclosed the substance of the accusation and the appellants had a fair opportunity to meet it, the use of an imprecise expression would not necessarily vitiate the conviction.

21. In the present appeal, no specific instance has been identified in the submissions reproduced before this Court demonstrating that either appellant was prevented from cross-examining a witness, adducing evidence, or otherwise defending himself because of the terminology employed in the charge.

22. Accordingly, the objection regarding the form of the charge cannot, by itself, in the absence of clear prejudice or the appellants being misled by the same does not justify setting aside the conviction.

23. Coming to the offence for which the appellants were convicted. Section 2(d) of POCSO Act defines child as any person below eighteen years of age. A child below that age cannot provide legally valid consent to sexual acts so as to defeat criminal liability under the POCSO Act. The evidence shows that the age of the victim was proved by producing the original Birth Certificate wherein her date of birth is entered as 02.08.2008. There is also no quarrel from the appellants regarding the minority of the victim. That being so, as the victim is a 'child' the question of consent does not arise.

24. In the case in hand, the victim (PW No.2) deposed that both appellants who are father and son were her neighbour and that their families used to look after her while she was a child. She testified that appellant No. 2 began having sexual intercourse with her when she was approximately nine years old and that the abuse continued on subsequent occasions. She further stated that appellant No. 1 used to carry her on his lap when she was younger and touch her private parts, and that he subsequently subjected her to sexual intercourse. She described penile- vaginal penetration and also stated that appellant No. 2 compelled her to perform oral sexual acts during menstruation. She attributed repeated incidents to both appellants and estimated that the acts had occurred on numerous occasions. She was cross examined by the Ld.Defence Counsel but she withstood cross examination. The victim has also maintained consistency in her statement during pre-trial as well as in the evidence during the course of trial.

25. The testimony of the victim in a prosecution for sexual offences must be assessed with sensitivity. The law does not impose an inflexible requirement that the testimony of a victim must invariably be corroborated by another witness or by medical evidence on the contrary, it is a settled principle that in sexual offence conviction can be based on the sole testimony of the prosecutrix

if it inspire confidence.

26. In the case of ***State of Punjab* v. *Gurmit Singh*** reported in ***(1996) 2 SCC 384,*** the Hon'ble Supreme Court emphasized that the evidence of a prosecutrix must be evaluated in its proper perspective and that insistence upon corroboration in every case would be inappropriate. The principle was reiterated in the case of ***Ganesan v. State*** reported in ***(2020) 10 SCC 573,*** and is consistent with the approach adopted in ***Deepak Kumar Sahu (supra)*** to the effect that where the testimony of the victim is credible, reliable and inspires confidence, it can constitute sufficient ground for conviction.

27. So far as appellant No. 2 is concerned, the victim attributed repeated acts of penetration on him. His defence testimony also contain an admission that he and the victim engaged in sexual intercourse in 2016. Due to this admission, the learned counsel for the appellant submitted that the penalty which was there prior to the Criminal Law, 2019 amendment in respect of the offence u/s 6 POCSO Act has to be applied to the appellant No. 2. This admission is relevant and must be considered with the rest of the evidence.

28. Prior to the amendment, Section 6 prescribed rigorous imprisonment for a term not less than ten years, which could extend to imprisonment for life, along with liability to fine. The Protection of Children from Sexual Offences

(Amendment) Act, 2019, substituted Section 6 with a more stringent provision prescribing rigorous imprisonment for a term not less than twenty years, which may extend to imprisonment for life for the remainder of the offender's natural life, and also permitting the imposition of the punishment specified in the amended provision.

29. The amendment came into force on 16.08.2019. The enhanced punishment cannot be applied retrospectively to an offence committed before that date. Article 20(1) of the Constitution prohibits the imposition of a penalty greater than that which could have been imposed under the law in force at the time of commission of the offence. The statutory position is therefore clear: an offence committed before 16.08.2019 must be punished in accordance with the law applicable when that offence was committed.

30. With the aforesaid backdrop, when we consider the materials and evidence on record, the victim (PW No.2) deposed that the last time Saitawna/Appellant No.1 indulged in sexual intercourse with her was December, 2023 and in respect of Vanlalmawia/Appellant No.2 she deposed that the last sexual intercourse was in the month of February, 2024 and that the appellants started committing penetrative sexual assault upon her since the year 2016. The aforesaid statement of the victim have not been rebutted or falsified during

cross examination and it is not the case of the defence, particularly Appellant No. 2 that the sexual intercourse which he admittedly had with the victim was only in the year 2016 and no more.

31. In the case at hand, the evidence of the victim is clear and consistent to the effect that the offence u/s 5(1) POCSO Act was committed repeatedly upon her by both the appellants since the year 2016 and continued till December 2023 (in respect f appellant No. 1) and February 2024 (in respect of appellant No. 2). The law is clear under Article 20(1) of the Constitution that Court cannot impose penalty more severe than it could impose under the law in force at the time of the commission of the offence. Appellant No. 2 admitted that he indulged in sexual intercourse with the victim in the year 2016.

32. As per the Birth Certificate which is at Ext.P-7, the date of birth of the victim is recorded as 02.08.2008. The minority of the victim have not been disputed. The object of enacting POCSO Act is to have a self contained comprehensive registration for the protection of children from sexual assault, sexual harassment and pornography with due regard for safeguarding the interest as well being of the child at every stage of the judicial process. Therefore, the object of the Act has also to be kept in mind while interpreting the provision of Article 20(1) of the Constitution.

33. In the case at hand, though we are conscious of the bar created by Article 20(1) of the Constitution for the offence which were committed prior to 16.08.2019, yet, we are of the view that in the presence of a clear and distinct offences which were committed separately post the amendment, the bar created under Article 20(1) of the Constitution cannot be treated as a blanket prohibition in the facts of the instant case.

34. This Court therefore finds no grounds to interfere with the judgment & order passed by the learned trial court.

35. For the valuable assistance rendered by the learned Amicus Curiae, he shall be paid the fees as prescribed by the MSLSA (Mizoram State Legal Services Authority).

36. Return the case record of the learned trial court.

37. Accordingly, the appeal is dismissed.

JUDGE **JUDGE**

Comparing Assistant