



2026:KER:76746

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

THURSDAY, THE 1ST DAY OF OCTOBER 2026 / 9TH ASWINA, 1948

CRL.A NO. 1442 OF 2024

CRIME NO.977/2021 OF PAZHAYANNUR POLICE STATION, THRISSUR
AGAINST THE JUDGMENT DATED 25.06.2024 IN SC NO.490 OF 2022 OF
FAST TRACK SPECIAL COURT, WADAKKANCHERY

APPELLANT/ACCUSED:

XXXXXXXXXX
XXXXXXXXXX XXXXXXXXXXXX

BY ADV SRI.VIVEK VENUGOPAL

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
PIN - 682031

BY SRI. SAJEEV P. K., SENIOR PUBLIC PROSECUTOR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
15.09.2026, THE COURT ON 01.10.2026 DELIVERED THE FOLLOWING:



2026:KER:76746

'C.R.'

JUDGMENT

Dated this the 01st day of October, 2026

The sole accused in S.C. No.490/2022 on the files of the Special Court for the trial of cases under the Protection of Children From Sexual Offences Act, (hereinafter referred to as the 'POCSO Act', for short), Wadakkanchery, has filed this appeal, under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the conviction and sentence imposed by the Special Judge, against him as per the judgment dated 25.06.2024. The State of Kerala, represented by the Public Prosecutor is arrayed as the respondent herein.

2. Heard the learned counsel for the appellant/accused and the learned Public Prosecutor for the respondent. Gone through the judgment under challenge and perused the evidence available.

3. The prosecution case is that, the accused who is none other than the maternal uncle (son of grandmother's



sister) enticed the minor girl, aged 12 years and thereafter, she was subjected to penetrative sexual assault in the night in between 24.11.2021 and 25.11.2021, apart from repeating sexual molestation, on several occasions in the month of October 2021 and on 12.12.2021 and 14.12.2021. Thereby, the prosecution alleges commission of offences punishable under Sections 451, 363, 366(A), 376(2)(n), 376(2)(f) and 376(3) of the Indian Penal Code (hereinafter referred to as the 'IPC', for short) and under Sections 4(2) read with 3(b), 4(2) read with 3(d), 6(1) read with 5(l), 6 read with 5(n), 8 read with 7 and 10 read with 9(l) of the POCSO Act by the appellant/accused.

4. The learned Special Judge, after framing charge for the above said offences, recorded evidence and completed trial. During trial, PW1 to PW27 were examined and Exts.P1 to P33 were marked on the side of the prosecution. DW1 to DW3 were examined and Exts. D1 and D2 were marked on the side of defence.

5. In this case, on analysis of evidence, the learned Special Judge found that the appellant/accused had committed



2026:KER:76746

offences punishable under Sections 450, 363, 376(2)(n), 376(2)(f) and 376(3) of the IPC and under Sections 4(2) read with 3(b), 4(2) read with 3(d), 6(1) read with 5(l), 6(1) read with 5(n), 8 read with 7 and 10 read with 9(l) of the POCSO Act, while acquitting the appellant/accused for the offence punishable under Section 366A of the IPC and, accordingly, the appellant/accused was convicted for the said offences and sentenced as under:-

"118. Therefore, the accused is sentenced to undergo rigorous imprisonment for 20 (twenty) years and to pay fine of Rs.25,000/(Rupees twenty five thousand only) u/s.6 r/w.5(l) of the POCSO Act. In default of payment of fine the accused shall undergo a further period of imprisonment for 6 (six) months.

119. Section 6 r/w. 5(n) of POCSO Act corresponds to Section 376(2)(f) of IPC. By virtue of S.42 of the PoCSO Act, no separate sentence is being awarded u/s. 376(2)(f) of IPC.

120. Therefore, the accused is sentenced to undergo rigorous imprisonment for 20 (twenty) years and to pay fine of Rs.25,000/(Rupees twenty five thousand only) u/s.6 r/w.5(n) of the PoCSO Act. In default of payment of fine the accused shall undergo a further period of imprisonment for 6 (six) months.

121. The offence punishable u/s 8 r/w 7 is a minor offence of the offence u/s.10 r/w 9(l) of the POCSO Act. Therefore, the sentence can be awarded u/s.10 r/w 9(l) of the PoCSO Act. No separate sentence is being awarded u/s.8 r/w.7 of the POCSO Act.



122. Therefore the accused is sentenced to undergo rigorous imprisonment for 5(five) years and to pay fine of ₹10,000/- (Rupees ten thousand only) u/s.10 r/w.9(l) of the Protection of Children from Sexual Offences Act. In default of payment of fine, the accused shall undergo a further period of imprisonment for 2 (two) months.

123. Section 4(2) r/w. 3(b) and 3(d) of the PoCSO Act corresponds to Section 376(3) of IPC. By virtue of S.42 of the PoCSO Act, no separate sentence is being awarded u/s.4(2) r/w. 3(b) and 3(d) of the PoCSO Act.

124. The accused is sentenced to undergo rigorous imprisonment for 20 (twenty) years and to pay fine of Rs.25,000/(Rupees twenty five thousand only) u/s.376(3) of the IPC. In default of payment of fine the accused shall undergo imprisonment for a further period of 6 (six) months.

125. Further, the accused is sentenced to undergo rigorous imprisonment for 5 (five) years and to pay fine of Rs.10,000/(Rupees ten thousand only) u/s.450 of the IPC.

126. The accused is sentenced to undergo rigorous imprisonment for 5(five) years and to pay fine of Rs.10,000/ (Rupees ten thousand only) u/s.363 of the IPC.

127. He is entitled to set off the period of detention already undergone by him from 04.01.2022 to 21.04.2022 u/s.428 CrPC.

128. The fine amount, if realized will be paid as compensation to PW1 u/s.357(1)(b) of CrPC.

129. The substantive sentence of imprisonment shall run concurrently”

6. While assailing the judgment under challenge, the learned counsel for the appellant argued that there are material



omissions in the evidence of PW1, the victim, as she did not state the overt acts spoken before the court in Ext.P1 164 of the Code of Criminal Procedure (for sake, 'Cr.P.C.', hereinafter) statement (her previous statement) before the Magistrate. Apart from that, when she had given statement to the Doctor, she gave a statement in variation with the statement given in Ext.P1, as per Ext.P13 dated 17.12.2021. Therefore, the omissions in its entirety would make the evidence of PW1, the victim, as not of sterling quality to act upon the same, as the sole basis of conviction. According to the learned counsel for the appellant, PW2 examined in this case is the father of the victim and PW3 examined in this case is the mother of the victim. He would submit that the evidence of PW2 would suggest that at the time of lodging Ext.P2 First Information Statement by PW2 he had knew the entire occurrence, but he failed to state the entire occurrence in Ext.P2. Similarly, the statement given by PW3 also would not contain the details of the overt acts spoken by PW1 before the Court. Thus this aspect shows obscurity in the prosecution case. On this premise, the learned counsel for the appellant argued that the prosecution evidence is



insufficient to find commission of the offences found by the learned Special Judge and in such view of the matter, the verdict would require interference.

7. The learned counsel for the appellant placed reliance on the decision of this Court in **Royson v. State of Kerala** reported in **[2017 ICO 2109: 2018(1) KLJ 361 :2018(1) KLD 339]**, to contend that suppression of a material information known to the informant at the time of giving first information statement is so crucial and to be viewed very seriously when conviction is resting on the sole testimony of the person who had given the First Information Statement suppressing material facts.

8. Whereas the learned Public Prosecutor supported the verdict impugned and argued that, in the instant case, the evidence of PW1 who had given statement to the police, 164 statement before the Magistrate and the statement before the Doctor on 17.12.2021 deposed the overt acts at the instance of the appellant/accused to find commission of the offences found by the learned Special Judge. According to him, on reading the evidence of PW2 and PW3, an inference could not be taken to



hold that they were aware of the entire overt acts done by the accused against PW1, at the time of giving Ext.P2 statement by PW2 and Section 161 of Cr.P.C statement by PW3. It is pointed out that in the instant case, apart from the evidence of PW1, the victim, the evidence of PW16 the doctor, who had examined the victim, to find out whether she was subjected to sexual molestation had given evidence supporting the prosecution. According to her, PW16 gave evidence supporting issuance of Ext.P13 report which would suggest penetrative sexual assault and thus the evidence available would show the involvement of the accused in the commission of the offences found by the learned Special judge. Thus in the instant case, there is no necessity to interfere with the verdict impugned.

9. In view of the rival submissions, the points arise for consideration are:

1. *Whether the Special Court is justified in finding that the accused committed the offence under Section 450 of the IPC ?*
2. *Whether the Special Court is justified in finding that the accused committed the offence under Section 363 of the IPC ?*
3. *Whether the Special Court went wrong in finding that the accused committed the offence under*



Section 376(2)(n) of the IPC ?

4. *Whether the Special Court right in finding that the accused committed the offence under Section 376(2)(f) of the IPC ?*
5. *Whether the Special Court is justified in finding that the accused committed the offence under Section 376(3) of the IPC ?*
6. *Whether the Special Court is right in finding that the accused committed the offence under Section 4(2) read with 3(b) of the POCSO Act ?*
7. *Whether the Special Court is right in finding that the accused committed the offence under Section 4(2) read with 3(d) of the POCSO Act?*
8. *Whether the Special Court is justified in finding that the accused committed the offence under Section 6(1) read with 5(l) of the POCSO Act?*
9. *Whether the Special Court went wrong in finding that the accused committed the offence under Section 6(1) read with 5(n) of the POCSO Act?*
10. *Whether the Special Court is right in finding that the accused committed the offence under Section 8 read with 7 of the POCSO Act?*
11. *Whether the Special Court is justified in finding that the accused committed the offence under Section 10 read with 9(l) of the POCSO Act?*
12. *Whether the verdict of the Special Court would require interference?*
13. *The order to be passed?*

10. **Point Nos. 1 to 13:-** Ext.P21 is the extract of birth register of PW1 issued by PW23, the Registrar of Births and



Deaths, Thrissur Corporation. The same was tendered in evidence through PW23 showing the date of birth of PW1 as 20.06.2009. In so far as the age of PW1 is below 12 years is not disputed before this Court rather the same is proved by the prosecution through the evidence of PW23 and Ext.P21, supported by the evidence of PW1, and PW3.

11. In the instant case, the father of the victim (PW1) got examined as PW2. He testified that he had lodged Ext.P2 FIS and on the said basis, this crime was registered and investigated. During examination of PW2, he supported that he had given Ext.P2 FIS when he came to know about the sexual assault at the instance of the accused towards his daughter and he testified about the overt acts spoken by PW1 to him.

12. During cross examination, PW2 given categorical evidence that he got information regarding the occurrence as spoken by PW1. Thus the status of PW2 is that of a hearsay witness. In fact, his knowledge regarding the occurrence is confined to the information passed by PW1. Thus the evidence of PW1 is the sole direct evidence available as regards to the overt acts done by the appellant; apart from medical evidence.



13. PW1 was examined in this case was aged 13 years on the date of her examination on 20.02.2023. According to her, at the time of occurrence, she was residing in a rented house at Mayannur with her father, mother and her younger sister. Her father's house is at Thottakara in Ottappalam. Her mother's house is in Kulathur, Chelakkara. The accused Hashim is the son of her grandmother's sister namely Safiya. He was residing in the Tharawad house of her mother (the house of her grandmother) in Kulathur, which was about 5 minutes walkable distance from her mother's house. He was a divorcee and was aged about 40 years. PW1 used to go and stay at her father's house as well as mother's house often. Once she had stayed at the Tharawad house of her mother during the period of Corona pandemic, in the year 2020, for about 20 days. The accused was also stayed in that house during that time. Her father had bought her a 'tablet' for the purpose of her studies and for singing. She had a WhatsApp account in that tablet. In July 2021, the accused sent a threatening message to her through WhatsApp that he had taken the video involving dress change and bath while staying at the Tharawad house. On the guise of



this video, the accused threatened her that she should say to the accused that she would like him and that she should chat with him and if she did not do so the video would be shown to others. She did not disclose the matter to anyone as she thought that if the video would be published it would be a shame for her father and mother. According to her, during this time, she was studying in 7th standard in Upper Primary school, Mayannur and was aged 12 years. Her date of birth according to her is 20.06.2009. PW1 testified further that she believed the information given by the accused that the accused had such a video with him. Because of his threat, she began to chat with the accused and continued the same for about six months. Meanwhile her mother saw her chatting with the accused and then scolded her and asked her to stop chatting, but she continued chatting with the accused without her mother's knowledge. Gradually she became intimate with the accused. The accused used to come to her house in Mayannur, her mother's house in Kulathur and her father's house in Thottakara during the night.

14. PW1 testified further that on 19th November 2021, at



about one o'clock in the early morning, the accused came to the house of her father in Thottakkara. Then he entered into her bedroom, disrobed her, mounted on her body, after removing his dress, kissed on her breasts, cheeks and other parts of her body. Then he had licked on her vagina with his tongue, inserted his finger into her vagina, made her to hold his penis and masturbated in her presence till ejaculation. In order to show that the accused had immense love to her, the accused made a cut on his finger with a knife in her presence. The accused left there at about three o'clock. PW1 stated that the accused had come to the same house again and committed similar sexual assault on her on 24th November also. PW1 given evidence further that the incident which gave rise to the police complaint occurred on 14.12.2021. According to her, it was her father who took her to school that morning and her father dropped her off, on the way near to the school. Then she returned and was noted by the teacher, who come on the same way. Then teacher asked her where she was going, she told a lie stating that she was going to home to change sanitary napkin. But she went along with the accused, who came on a



bike there, to Thozhupadam. After some time, her class teacher called her mother on her phone and informed that she did not come to school. Then her mother and teachers made a search for her in the nearby places. Her father also reached there, when informed about the matter. As somebody said that she was seen going on someone's bullet, her father called the accused on his phone. The father, then asked the accused to bring back her immediately. On their way back, when they reached Painkulam, her father came and took her home. PW1 deposed further that while coming back, the accused said that she should not tell anyone about the incident, and that she could escape by telling lie. Thus initially she did not disclose the incident to her parents. Later she divulged the occurrence to them. Thereafter, on 16th December 2021, her father went to the police station and gave a complaint about the sexual molestation at the hands of the appellant/accused.

15. PW3 examined in this case is the mother of the survivor and she had given evidence supporting the prosecution, insofar as the overt acts spoken to her by PW1.

16. PW4 is the wife of PW3's brother. She had resided at



the mother's house of PW3 in Kolathur, Chelakkana, during the relevant time. PW4, testified that PW1 used to come and stay at the house in Kolathur alone without her father and mother and she came and stayed at the house on 12th December 2021. On such occasions the survivor used to sleep with her. The accused Hashim is the son of her husband's mother's sister and he had been staying in the house just two houses away from their house. The accused also used to come to their house. PW4 deposed further that on 14th December, after PW1 was found missing on the way to school, when PW1 was brought home, it was she and the mother of PW1, who asked PW1 about the details of the occurrence. Then PW1 told the overt acts to them. PW4, further testified that PW1 had stayed at the house of PW1's grandmother in Kolathur during the period of Corona from October 23rd to November 17th, 2020, and it was stated by PW4 that the accused had threatened her saying that he had taken a video of her taking a bath during her stay at the grandmother's house in Kolathur and that the same would be shown to her friends if she did not obey him. It was in that manner the accused made PW1 love the accused gradually. It



was deposed by PW4 further that, she was not aware about the above matters when PW1 had come to her house on 12.12.2021.

17. Sri.Ashroof, a neighbor of PW1 in Mayannur got examined as PW6. He is an attesting witness in the scene mahazars prepared by the police after inspecting three different places of occurrence. Ext. P4 mahazar prepared in respect of the place of occurrence at the house in Thottakkara, Ottappalam, at 12.30 p.m., on 21.12.2021 was tendered in evidence through him. The mahazar of the place of occurrence near the UP school Mayannur prepared at 14.30 hours, on 21.12.2021 and the mahazar of the place of occurrence in Painkulam prepared at 16.30 hours, on 21.12.2021 were tendered also in evidence as Exts. P5 and P6 through PW6. He fully supported the prosecution in this regard.

18. Smt.Shahina, the grandmother (mother's mother) of PW1 examined as PW7, deposed that the house in Kolathur, Chelakkara, where the alleged incident of sexual assault took place belonged to her. According to PW7, the police came to her house twice for the purpose of investigation of the case and



once she was there. She stated that the number of her house was 56 in ward 16 of the Chelakkara Panchayath and that its name was Shahina Manzil. She further stated that the name of the house was 'Kulathattil' before her marriage and that the accused was her relative.

19. Smt. Vasantha Kumari, the headmistress of the Government Upper Primary School, Mayannur examined as PW8 deposed that there was an incident whereby PW1, a student of 7th standard, found missing from the school. She came to know about the same after the school assembly. The Physical Education teacher namely Ajitha told her that while the teacher was coming to the school she saw PW1 on the way and PW1 had gone to her home to change the sanitary napkin. PW1 told her that she would come back to school soon. When enquired, the class teacher of PW1 informed that PW1 did not reach the class. Then the class teacher called the parents over the phone and got information that the child was not in the house. Though the teachers Radhika and Remya had made search for her, they did not get any information. After 12.00 PM, they were informed that the child was located. She also deposed that the



2026:KER:76746

police came to the school as part of the investigation, and then she had produced the extract of the school admission register of PW1 to him. PW8 had produced the original admission register in the court and it was returned after verification. The extract of the school admission register was marked as Ext. P7, which would show the admission number of PW1 is 1569, the date of admission was 08.05.2019 and the date of birth of PW1 is 20.06.2009.

20. Smt.Bismitha, the grade senior civil police officer attached to Pazhayannur police station, examined as PW11 testified that she had recorded the statements of the survivor and survivor's mother on 16.12.2021 and 21.12.2021. She is an attesting witness in Ext. P8 mahazar, thereby the clothes of the survivor were seized by the investigating officer.

21. Binu, a friend of the accused got examined as PW12. He was the owner of the bullet motorcycle bearing number KL 48P 1621 used by the accused to take PW1 on 14.12.2021. He stated that the accused used to take his motorcycle for his purposes. But he did not remember whether the accused had taken his motorcycle on 14.12.2021. He had produced the



vehicle, its RC book and insurance certificate to the police in connection with the case.

22. PW13 is an attesting witness in Ext. P9 mahazar by which the bullet motorcycle and its documents were seized by the investigating officer. He being the CPO, attached to Pazhayannur Police Station given evidence in this regard.

23. PW14, the junior superintendent of Cheruppalasseri Municipality, who issued the ownership certificate of the building bearing number 4/387 as per the request of the police, deposed regarding issuance of ownership certificate, marked as Ext. P10. According to him, the owner of the building, was Smt. Khadheeja, during the relevant time.

24. The medical evidence in this case is confined to that of PW16, Dr.Remya Sundarasan, who was junior consultant, gynecology, at District Hospital Wadakkanchery as on 17.12.2021. According to her, she had examined PW1 on 17.12.2021 and issued Ext. P13 certificate. According to PW16, at the time of examination, hymen of the survivor showed old tear at 6 O'clock and 4 O'clock positions. **PW16 stated that the examination findings were suggestive of penetrative**



2026:KER:76746

sexual assault. The history of sexual assault, as told by the survivor, was recorded by her in Ext. P13.

25. PW17, the Village Officer, Chelakkara-Thonnurkara-Pulakkode group Village office, deposed that he had prepared Ext.P14 sketch. PW19, the Village Officer, Panjal-Painkulam group Village office, who prepared Ext.P17 location sketch of the place of the occurrence in Painkulam had given evidence supporting preparation and issuance of Ext.P17. PW20, the Village Officer, Mayannur-Kondazhi group Village office, who prepared Ext.P18 location sketch of the place of the occurrence near the UP school Mayannur also given evidence supporting the prosecution case.

26. The Medical officer at Taluk Hospital, Chelakkara, given evidence supporting the prosecution case that he had examined the accused on 04.01.2022, and issued Ext.P20 potency test report. In the report, PW22 opined that "there is nothing to suggest that the accused is incapable of performing sexual act."

27. It was PW24, Smt. Surya Surendran, the nodal officer, Vodafone Idea, who had issued the call details, CDR and



customer application forms along with section 65B certificate pertaining to the mobile phone numbers 9061104833 and 9207185147 as per the request of the police. The entire file was marked as Ext. P22. PW24, testified that the phone number 9061104833 was in the name of Muhammed Hashim A.P., (accused) and the copy of the Aadhaar card of Muhammed Hashim which was produced as ID proof for availing the phone connection. PW24 deposed further that the phone number 9207185147 was in the name of Muhammed Faisal and that the ID proof submitted for the connection was also a copy of the Aadhaar. According to PW24, in respect of the phone number 9061104833, only a scanned copy of the customer application form uploaded in the official site through the retail shop was available at her office. The print out of the said scanned application produced by PW24 got marked as Ext. P22(a) subject to proof. The copy of the customer application form in digital format pertaining to the phone number 9207185147 was marked as Ext. P22(b). The decoded tower location of the two phone numbers was marked as Ext. P22(c). The call details of the two mobile numbers for the period from 01.05.2021 to



31.07.2021 were marked as Exts. P22(d) and P22(e) respectively. The call details for the period from 01.11.2022 to 14.12.2021 were marked as Exts. P22(f) and P22(g) respectively.

29. PW25, the sub inspector of police at Pazhayannur police station, who recorded the the First Information Statement given by PW2 supported the same and according to him, he had registered the case as per Ext. P23 FIR. One additional witness was examined from the side of the prosecution as PW27. He was the joint RTO in Wadakkanchery since 12.12.2022. He produced the RC particulars of the motorcycle bearing No.KL 48P 1621 along with a certificate under section 65B of the Evidence Act. It was marked as Ext. P33. He stated that as per records, it was an Enfield Bullet 350 and its date of registration was on 14.11.2019. He further stated that RC owner of the vehicle was Binu.C.K, S/o. Kuriakose.C.V, Charuvathur, Chelakkara.

30. In this case, the main contention raised by the learned counsel for the appellant is that there are material omissions in the evidence of PW1. According to him, she did not



state the overt acts spoken before the court in Ext.P1 164 Cr.P.C. statement. Apart from that, when she had given statement before the Doctor, she gave a statement in variation from the statement as per Ext.P1, as could be seen from Ext.P13 medical certificate, dated 17.12.2021. Here the learned Special Judge found commission of penetrative sexual assault and aggravated penetrative sexual assault after she was forced to maintain a relationship between herself and the accused on threatening that he had the video of her dress changing and bathing, while staying at the Tharavad House. In the instant case, on Ext.P1, the 164 Cr.P.C. statement of PW1, the overt acts spoken by PW1 to find commission of penetrative sexual assault as spoken by her could be found. That is, in Ext.P1, given by the victim, she had stated that the accused entered into her room, removed her dress and also removed his dress and thereafter, mounted over her and kissed on her lips, breast and other parts of the body. Then he caught hold on her breast and sucked on her vagina. On 18.11.2021 and 24.11.2021, he had repeated he same. Therefore, the version of PW1 in the 164 Cr P.C. statement by itself would show that PW1 had given



statement before the court in tune with her version in Ext.P1. It is true that when her statement was recorded by the Doctor, as per Ext. P13 also she reiterated the same and in Ext.P13, she stated that he had inserted his finger on her vagina.

31. Here is a case where commission of repeated penetrative sexual assault is the allegation. Supporting the prosecution case, PW1, the victim, given candid evidence regarding repeated sexual penetrative assaults done by the appellant. Here comes the significance of the evidence of PW16, the Doctor, to justify the said allegation as the Doctor opined as per Ext.P13 Medical Certificate that hymen of the survivor showed old tear at 6 O'clock and 4 O'clock positions and **on her examination, the findings were suggestive of penetrative sexual assault.** Thus the evidence of PW1 is supported by the evidence of PW16, the Doctor as well. It is true that in the statement of PW2 and PW3, the parents of the victim, what they stated are only the information passed by PW1 to them and on the basis of such information, PW2 lodged Ext.P2 First Information Statement. Therefore, they could not state the overt acts in minute niceties. It is to be noted that the parents



2026:KER:76746

who had no direct knowledge regarding the overt acts of sexual molestation done by the accused might not be able to speak all the overt acts, at the time when First Information Statement was given or when their statements were recorded by the police. Therefore, the same by itself is not a reason to disbelieve the evidence of PW1, if the same inspires the confidence of the court with mark of sterling quality. Holding so, on scrutiny of the evidence of PW1, the same appears to be of sterling quality to be relied upon and the contra contention raised by the learned counsel for the appellant is liable to be rejected, since it is well settled in law that in sexual molestation case the evidence of the victim, if found to be of sterling quality, the same can be the sole basis of conviction. Here, the medical evidence also corroborates the version of PW1.

32. In view of the discussion, the decision in **Royson's** case (supra) placed by the learned counsel for the appellant to contend that suppression of a material information known to the informant at the time of giving First Information Statement is so crucial and to be viewed very seriously when conviction is resting on the sole testimony of the person who had given the



First Information Statement, suppressing the material facts is totally mis-placed, as here the victim did not give the First Information Statement.

33. Thus on re-appreciation of evidence, this Court is of the considered view that the learned Special Judge rightly appreciated the evidence and came to the conclusion that the the appellant/accused committed offences punishable under Sections 450, 363, 376(2)(n), 376(2)(f) and 376(3) of the IPC and under Sections 4(2) read with 3(b), 4(2) read with 3(d), 6(1) read with 5(l), 6(1) read with 5(n), 8 read with 7 and 10 read with 9(l) of the POCSO Act.

34. Therefore, the conviction imposed by the learned Special Judge for the offences under Sections 450, 363, 376(2)(n), 376(2)(f) and 376(3) of the IPC and under Sections 4(2) read with 3(b), 4(2) read with 3(d), 6(1) read with 5(l), 6(1) read with 5(n), 8 read with 7 and 10 read with 9(l) of the POCSO Act does not require any interference.

35. Coming to the sentence, the Special Court imposed minimum sentence of rigorous imprisonment for twenty years each for the offence punishable under Sections 6(1) read with



5(l), 6(1) read with 5(n) of the POCSO Act and under Section 376(3) of the IPC. Since the sentence imposed is the statutory minimum, reduction in sentence also cannot be considered. Accordingly, the verdict impugned does not require any interference and in such view of the matter, this appeal must fail.

36. In the result, this criminal appeal stands dismissed. The conviction and sentence imposed upon the appellant/accused stand confirmed. All interlocutory applications pending in this appeal stand dismissed.

Since the accused is in jail, the Registry is directed to forward a copy of this judgment to the Jail Superintendent and the Special Court concerned, for information and compliance.

SD/-

**A. BADHARUDEEN
JUDGE**

DCS