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

Date of decision: 15th January, 2026

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+ **CRL.A. 1494/2025 & CRL.M.(BAIL) 2186/2025**

DRY

.....Appellant

Through: Mr Gautam Khazanchi, Ms. Pooja
Deepak. Advs. (DHCLSC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with
Ms. Vibha & Mr. Lalit Luthra, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CRL.M.A. 31981/2025

2. This application seeks permission to file lengthy synopsis and list of dates of more than five pages.

3. For the reasons stated in the application, the same is allowed. The lengthy synopsis and list of dates are taken on record.

4. The application is disposed of.

CRL.A. 1494/2025 & CRL.M.(BAIL) 2186/2025

5. The present appeal has been filed by the Appellant under Section 415 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, 'BNSS') challenging the impugned judgment dated 30th July, 2025 (hereinafter, 'impugned order') and order of sentence dated 29th August,



2025 passed by the Id. Additional Sessions Judge-01 (POCSO/Children's Court): North District, Rohini Court, Delhi in *Sessions Case No. 435/2021*.

Facts

6. The present case arises out of ***FIR No. 659/2021*** PS Jahangir Puri dated 25th July, 2021 under Sections 376/506 of the Indian Penal Code, 1860 (hereinafter, '*IPC*') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter, '*POCSO Act*').

7. The Appellant is accused of the offences of rape, criminal intimidation and aggravated penetrative sexual assault against the victim who happens to be his daughter and a minor at the time of the incident. The Police Station Jahangir Puri had received information on 25th July, 2021 that the victim had been raped two to three times by her own father and the said diary entry was made by ASI Subhash and was marked for investigation to Sub-Inspector Anita.

8. On 25th July, 2021, the victim along with her mother had visited the Police Station Jahangir Puri and the complaint was recorded by Sub-Inspector Anita in which she had stated that she was a student in Class 6th. It was further stated by the victim that her father had forcibly established physical relations with her when she was sleeping in her house and that she was in fact three months' pregnant on the date when the complaint was registered.

9. Thereafter, the Appellant was taken to RML Hospital by the Delhi Police for a potency test and blood sample collection. The blood was collected and was handed over to the constable for proper testing.

10. On 31st July, 2021, the termination of pregnancy of the victim was conducted at the Babu Jagjivan Ram Memorial Hospital and the samples of the foetus were also collected and handed over to the concerned investigating



officer. The samples had been sent for testing to the Forensic Science Laboratory (hereinafter, 'FSL') in Rohini and the report of the said samples is also on record.

11. Chargesheet was then filed against the Appellant and charges were framed *vide* order dated 11th March, 2022 under Sections 376(2)/ 376(3)/ 506(II) IPC and Section 6 of POCSO Act to which the Appellant pleaded not guilty.

Proceedings before the Trial Court

12. During the course of trial, 10 witnesses including the Prosecutrix and her mother were examined by the prosecution. The relevant testimonies are of the following witnesses:

- a) PW-1: Prosecutrix
- b) PW-2: Her mother
- c) PW-3: Ct. Nishant
- d) PW-7: Dr. Monika Chakravarty, Senior Scientific Officer (Biology) at the FSL, Rohini, Delhi.

13. All the remaining witnesses, *i.e.* PW-4 to PW-6 and PW-8 to PW-10 were Police officials. In the testimony of the Prosecutrix, although she attempts to support her father at certain places, it clearly emerges that the father had established a physical relationship with the daughter, and the said extracts from the statement of the Prosecutrix are set out below:

*“Q. Agar papa jail se aane ke baad dobara maareng
toh kya karoge?”*

*A. Nahi mareng. Mummy ne mujhe kaha hai ki wo
hamare saath nahi rahenge.*

***Mai papa ko jail se isliye chudwana chahti hun
kyunki ghar ka kharcha nahi chal raha hai.***

Yeh kehna sahi hai ki maine police ko diye bayan



mei yeh baat batayi thi ki March, 2020 mei mere papa ne mere saath jabardasti sharirik sambandh banaye thei aur mujhe dhamki di thi ki maine agar kisi ko yeh baat batayi toh mujhe jaan se maar denge aur fir dobara March, 2021 mei mere saath rape kiya tha. Vol. Yeh baat maine darr se batayi thi.

Mujhe yaad nahi ki maine Judge sahab ko yeh baat batayi thi ki jab mai raat ko soyi hui thi toh papa ne pehle meri pajami utari aur jab mai chillane lagi toh papa ne mera muh band kar diya tha aur fir unhone apni pant utar di aur fir mere upar chad gaye thei aur mujhe thappad bhi maare thei aur fir mere saath jabardasti sharirik sambandh banaye thei.

Yeh kehna galat hai ki mai aaj apni mummy ke dabav mei akar papa ko bachane ke liye jhooti kahani bata rahi hun.”

14. However, the mother of the victim *i.e.*, Prosecutrix, turned hostile and stated that she was not aware as to who had caused pregnancy to her daughter and does not admit that her daughter informed her that she had been raped by her father. The Trial Court records the same as under:

“3. The PW 2 victim’s mother also turned hostile to the case of Prosecution and she was also cross examined by Ld. SPP for State, but she did not support the case of Prosecution.”

15. Further, the relevant portion of the testimony of PW-2 *i.e.*, the mother of the victim is extracted below:

“Yeh kehna sahi hai ki mein apni beti ko hospital le ker gai thi. Yeh kehna galat hai ki uss samay meri beti ke pet mein dard tha aur issliye mein usko hospital le ker gai thi. Yeh kehna sahi hai ki mujhe pata chala tha ki meri beti teen mahine ki pregnant hai. Meine apni beti se nahi poocha tha ki woh kis se pregnant hui hai. Yeh kehna sahi hai ki ye FIR ussi samay darj karai gai



thi jab mujhe pata chala tha ki meri beti pregnant hai. Yeh kehna galat hai ki meri beti ne police ko yeh bataya tha ki mere pati/ muljim ne usska 2-3 baar rape kiya tha jis ke wajha se who pregnant ho gai. Yeh kehna sahi hai ki meri beti ke bayan mere samne likhe gaye the jo ki already Ex. PW 1/A hai jis per mere anguthe ke nishan point B per hai. Yeh kehna galat hai ki meri beti ne uprokt bayan mein mere samne police ko yeh bataya tha ki mere pati ne usska 2-3 baar rape kiya tha jis ki wajah se who pregnant ho gai. Yeh kehna galat hai ki uss samay pregnancy ka pata chalne per meine kisi ka mobile le ker police ko phone ker diya tha. Yeh kehna sahi hai ki police meri beti ko BJRM hospital medical examination ke liye le ker gai thi. Yeh kehna galat hai ki meri beti ne doctor ko bataya that ki mere pati ne usska 2-3 baar rape kiya tha jis ki wajah se who pregnant ho gai. Meri beti ke Judge Sahab ke samne bhi bayan kerwaye gaye the. Yeh kehna galat hai ki mere pati ne usska 2-3 baar rape kiya tha jis ki wajah se who pregnant ho gai thi. Yeh kehna theek hai ki police ne yeh FIR darj hone ke baad iss case mein arrest ker liya tha aur mere pati ab bhi jail mein band hai. Yeh kehna galat hai ki mein apne pati ko saja se bachane ke liye aaj jaan boojh ker police ko diye gaye bayan se palat rahi hu aur aaj jaan boojh ker jhoota bayan de rahi hu.”

16. The clinching evidence, however, are the FSL Reports dated 14th January, 2022 and 22nd March, 2022 which has been placed on record wherein the finding is as under:

Examination Report Dated 14th January, 2022 bearing report No. SFSL DLH/7933/BIO/1774/2022

“DESCRIPTION OF ARTICLES CONTAINED IN PARCEL



Parcel '1': One sealed cloth parcel sealed with the seal of 'BJRM HOSPITAL GYNAE DELHI' containing exhibit '1' kept in a plastic container.

Exhibit '1': Fleshy material described as product of conception.

Parcel '2': One sealed cloth parcel sealed with the seal of 'BJRM HOSPITAL GYNAE DELHI' containing exhibits '2a' & '2b' described as blood sample of victim.

Exhibit '2a': Dark brown liquid kept in a tube.

Exhibit '2b': Dark brown liquid kept in a tube, returned unopened/unexamined.

Parcel '4' One sealed cloth parcel sealed with the seal of 'CMO DR RML HOSPITAL ND' containing exhibit '4'

Exhibit '4': Dark brown liquid kept in a tube labelled as clot activator, described as blood sample of the accused

xxxx

RESULTS OF ANALYSIS

One set of alleles generated from the source of exhibit '2a' (Blood sample) of victim were accounted in the alleles generated from the source of exhibit '1' (Fleshy material).

CONCLUSION

DNA profiles generated from the source of exhibits '1' (Fleshy material) and '2a' (Blood sample) of victim are being preserved for future reference, if any

Examination Report Dated 22nd March, 2022 bearing report No. SFS LDLH/1584/BIO/357/2022

xxxx

RESULTS OF ANALYSIS

*One set of alleles each generated from the source of exhibits '2a' (Blood sample) of victim vide **SFSL DLH/7933/BIO/1774/2021** and '2' (Blood sample) of accused vide **SFSL DLH/1584/BIO/357/2022** were accounted in the alleles generated from the source of exhibit '1' (Fleshy material) vide **SFSL DLH/7933/BIO/1774/2021***



CONCLUSION

*DNA profiling (STR analysis) performed on the exhibits provided is sufficient to conclude that the source of exhibit '2a' (Blood sample) of victim vide **SFSL DLH/7933/BIO/1774/2021** and '2' (Blood sample) of accused vide **SFSL DLH/1584/BIO/357/2022** is the biological mother and father respectively of the source of exhibit '1' (Fleshy material) vide **SFSL DLH/7933/BIO/1774/2021**.*

17. PW-7 i.e., Dr. Monika Chakravarty, Senior Scientific Officer (Biology) at the FSL, Rohini, Delhi also states in her examination-in-chief as under:

*“On 13.08.2021, I was posted as above. On that date, three sealed parcels were received in the office of FSL which were marked to me for examination. I opened the parcels after matching the seals with the sample seal provided. Further, two sealed parcels were received in the office of FSL on 10.02.2022 in the said FIR. On the basis of DNA examination, I prepared my detailed reports now **Ex.PW7/A** and **Ex.PW7/B**, both bear my signatures at point A on each page. The allelic tables prepared by me for the above said examination is now **Ex.PW7/C** & **Ex.PW7/D**, both bear my signature at point A.*

*According to DNA profiling, the source of exhibit '2a' (blood sample) of victim vide **SFSL DLH/7933/BIO/1774/2021** and exhibit '2' (blood sample) of accused vide **SFSL DLH/1584/BIO/357/2022** is the biological mother and father respectively of the source of exhibit '1' (fleshy material) vide **SFSL DLH/7933/BIO/1744/2021**.*

After examination, the remnants of the exhibits were sealed with the seal of MCh FSL DELHI and handed



over to the forwarding authority along with the case report.

XXXXX by Sh. Arun Sehrawat, Ld. Amicus Curiae for accused.

Nil. Opportunity given.”

18. On the strength of the evidence which was led, the Trial Court came to the conclusion that even though the victim may have turned hostile, the Appellant deserves to be convicted and has accordingly convicted the Accused in the following terms:

59. In present matter, accused is also facing trial for the charge u/s 506(ii) IPC. It has already been observed that victim's earlier versions are reliable. The victim in her complaint Ex.PW 1/A stated that firstly in March 2020 when accused established physical relations with her, then he threatened her not to disclose the incident, otherwise she would be killed. The consequence of this threat given by accused was that victim remained silent about the misdeeds of accused for about next one 1 ½ years and did not inform anyone. The victim got compelled by circumstances to disclose the incident, as she started feeling pain in her abdomen because she was pregnant, otherwise at this later stage also victim was not going to disclose about the incident. These circumstances created by accused are sufficient enough to prove that threat given by accused was a real one. Hence, for the offence u/s 506 (ii) IPC also, Prosecution has duly proved its case beyond any reasonable doubt.

60.Ld. Defence counsel submitted that as per prosecution case the accused firstly committed the offence in March 2020, and secondly in March 2021, and it is not logical that victim remained silent for about 1½ years. In this regard, it is observed that the abovesaid threat of accused compelled victim to



remain silent, as accused was victim's real father and he was having direct and continuous control over the victim. In these circumstances, it is logical that victim remained silent for about 1½ years, and in last also she was compelled by the circumstances to disclose the incident. Further, the pregnancy of victim and FSL report are themselves sufficient to prove that accused has established - physical relations with victim and thus there is no merit in the submission of Ld. Defence counsel that due to delay in reporting the incident, the case of prosecution becomes doubtful.

61. In a nutshell, it is concluded that accused 'DRY' has forcefully established physical relations twice with victim 'S' and also criminally intimidated the victim not to disclose the incident, and Prosecution has duly proved its case beyond any reasonable doubt. Accordingly, accused 'DRY' is convicted for the offence of rape, aggravated penetrative sexual assault and criminal intimidation, which are punishable u/s 376(2) & (3) /506 (ii) IPC and Section 6 POCSO Act.

Submissions

19. The submission on behalf of the Appellant by the Id. Counsel for the Appellant is that the chain of custody of samples was not established as the testing was done by the FSL 14 days after the sample was collected. Accordingly, as per Id. Counsel, the FSL Report cannot be the sole basis for convicting the Appellant inasmuch as the Prosecutrix clearly states that she does not know as to how she had become pregnant and the same is clear from her evidence which is relied upon by the Trial Court.



20. Further, Id. Counsel for the Appellant submits that even the mother of the Prosecutrix had not supported the case of the Prosecutrix. Moreover, Id. Counsel submits that the person who took the sample from the Prosecutrix was also not examined by the Trial Court.

21. On the other hand, Mr. Bahri, Id. APP appearing for the prosecution submits that the present is an open and shut case though the Prosecutrix tried to resile from her initial stand, she has given reasons in her cross-examination as to why she is resiling. According to Id. APP, the same would clearly show that since there was no source of livelihood for the family, the Prosecutrix wanted to support her mother's stand for getting the father acquitted. Id. APP submits that the Prosecutrix, however, admits in her evidence that her father had established physical relationship with her due to which she became pregnant.

22. Further, Mr. Bahri, Id. APP relies upon the evidence of the mother of the Prosecutrix as well where she admits that the daughter had informed her that the father had caused the pregnancy.

23. Mr. Bahri, Id. APP relies on the testimony of the doctor *i.e.*, PW7 - Dr. Monika Chakravarty, Senior Scientific Officer (Biology) at the FSL, Rohini, Delhi who had conducted the testing and has proved the FSL Report beyond any reasonable doubt. Id. APP relies upon the judgments which has been in fact relied upon by the Trial Court itself to argue that DNA testing is conclusive evidence for being a fact and the importance of the DNA testing has been highlighted in the decision in ***Nandlal Wasudeo Badwaik Vs. Lata Nandlal Badwaik and Others, 2014 SC*** as under:

“13. Before we proceed to consider the rival submissions, we deem it necessary to understand



what exactly DNA test is and ultimately its accuracy. All living beings are composed of cells which are the smallest and basic unit of life. An average human body has trillion of cells of different sizes. DNA (Deoxyribonucleic Acid), which is found in the chromosomes of the cells of living beings, is the blueprint of an individual. Human cells contain 46 chromosomes and those 46 chromosomes contain a total of six billion base pair in 46 duplex threads of DNA. DNA consists of four nitrogenous bases adenine, thymine, cytosine, guanine and phosphoric acid arranged in a regular structure. When two unrelated people possessing the same DNA pattern have been compared, the chances of complete similarity are 1 in 30 billion to 300 billion. Given that the Earth's population is about 5 billion, this test shall have accurate result. It has been recognized by this Court in the case of Kamti Devi (AIR 2001 SC 2226) (supra) that the result of a genuine DNA test is scientifically accurate. Xxx”

24. On the strength of these submissions, it is submitted by Id. APP that the impugned judgment passed by the Trial Court does not warrant any interference.

25. Ld. APP submits that the stand of the Appellant to the extent that there was a lack of testimony given *i.e.*, that the witness who had collected the sample from the Prosecutrix was not examined, has been dealt with by the Trial Court in the following terms:

“50. Ld. Defence counsel submitted that the person who took samples of accused, for the second time, to FSL has not been examined as Prosecution witness. In this regard, it is observed that firstly the accused has admitted his MLC Ex. P13, vide which his blood



sample was collected, and secondly as per FSL report Ex.PW7/B1, the sample of accused in FSL was received with the hospital seal. When the blood sample is being received in FSL, with the hospital seal and there is no such fact on record that the said seal was tampered by anyone, then the non examination of that police official who deposited the said sample in FSL is not a substantial lapse on the case of prosecution.”

26. In any event, Id. APP submits that no prejudice has been caused in the sending of the samples to the FSL.

Analysis and Findings

27. The Court has considered the matter. In the present case, the testimony of the Prosecutrix and her mother show the conflict that the victim and her mother faced during this trial. The clear evidence which has come out on record is that the victim was 3 months’ pregnant and this was detected by a third-party in whose house the victim was working as a domestic help.

28. The pregnancy test which was conducted, clearly established that the Prosecutrix was 3 months’ pregnant at the time of the registration of the FIR. As per the record, the fetal material was collected and was sent for examination. The FSL report for the same establishes beyond doubt that the DNA of the foetus matched with that of the Appellant.

29. Thus, there can be no doubt, whatsoever on the basis of the scientific evidence, that the father *i.e.*, the Appellant had established the physical relationship with his own daughter, who was a minor.

30. The Supreme Court in the decision in ***Bhanei Prasad alias Raju v. State of Himachal Pradesh, 2025 SCC OnLine SC 1636*** while dealing with a case on similar facts where a father repeatedly committed aggravated



penetrative sexual assault upon his own minor daughter, held as under:

“5. The jurisprudence under the POCSO Act has evolved as a bulwark against the predatory crimes targeting the innocence of childhood. Section 29 of the POCSO Act creates a statutory presumption of guilt, once foundational facts are established. In the present case, this presumption stood un rebutted. The victim's testimony was unwavering, medically corroborated, and free from embellishment. Her disclosure, though delayed, was truthful and borne out of perennial trauma and threats she has undergone.

6. It is now well settled that the testimony of a child victim, if found credible and trustworthy, requires no corroboration. The Courts below have not merely accepted the victim's account, they have validated it through unimpeachable scientific evidence. The DNA report sealed the evidentiary chain and has dispelled all doubts in the prosecution case which is sought to be assailed by the petitioner.

7. The argument raised before us is that the petitioner was falsely implicated due to strained domestic relationships and disapproval of romantic alliances of his daughters is completely hollow. No daughter, however aggrieved, would fabricate charges of this magnitude against her own father merely to escape household discipline.

8. This Court has repeatedly underscored that in offences involving sexual abuse, especially against children, the trauma suffered by the victim is lifelong. The scars are not merely physical but psychological, cutting across every fibre of trust, safety, and dignity. When the perpetrator is none other than the father, the natural guardian, the crime assumes a demonic character.

9. Such offences deserve nothing but the severest condemnation and deterrent punishment. To pardon such depravity under any guise would be a travesty of justice and a betrayal of the child protection mandate



embedded in our constitutional and statutory framework.

10. As per ancient scriptures:

“Yatra nāryastu pūjyante ramante tatra devatāḥ, yatra itaastu na pūjyante sarvāstatra aphalāḥ kriyāḥ.”

“Where women are honoured, divinity flourishes; and where they are dishonoured, all acts become fruitless.”

This verse reflects not merely a cultural principle but a constitutional vision. The dignity of women is non-negotiable, and our legal system must not permit repeated intrusion into that dignity under the guise of misplaced sympathy or alleged procedural fairness.

11. A prayer for interim relief of bail is also sought in the petition and our judicial conscience does not permit casual indulgence in a prayer for interim relief of bail where the conviction has been rendered after full-fledged trial, affirmed in appeal, and the testimony of the victim is clear, cogent, and duly corroborated. **This Court has repeatedly held that in serious offences under the POCSO Act, particularly those involving familial betrayal of trust, relief cannot be granted as a matter of routine.** Where two courts have concurrently found guilt and the findings are not shown to be perverse, interference under Article 136 is neither warranted nor justified in the present case.

12. Let it be stated unambiguously that entertaining of the present petition or remotely considering the grant of bail in a case of this nature, after the guilt has been proved and affirmed, would not merely undermine the majesty of the law, it would amount to a betrayal of the constitutional promise made to every child of this country. It would be, in the considered view of this Court, a judicial insult to the sanctity of womanhood and a blow to every mother who teaches her child to believe in justice.

13. When a father who is expected to be a shield, a



guardian, a moral compass, becomes the source of the most severe violation of a child's bodily integrity and dignity, the betrayal is not only personal but institutional. The law does not, and cannot, condone such acts under the guise of rehabilitation or reform. Incestuous sexual violence committed by a parent is a distinct category of offence that tears through the foundational fabric of familial trust and must invite the severest condemnation in both language and sentence. The home, which should be a sanctuary, cannot be permitted to become a site of unspeakable trauma, and the courts must send a clear signal that such offences will be met with an equally unsparing judicial response. To entertain a plea for leniency in a case of this nature would not merely be misplaced, it would constitute a betrayal of the Court's own constitutional duty to protect the vulnerable. When a child is forced to suffer at the hands of her own father, the law must speak in a voice that is resolute and uncompromising. There can be no mitigation in sentencing for crimes that subvert the very notion of family as a space of security."

31. A Id. Single Judge of this Court, in the decision in **BS v. State (NCT of Delhi)**, 2025: DHC:8647 while upholding a conviction under similar circumstances observed as under:

"51. The sentence of twenty years' rigorous imprisonment thus cannot be said to be either illegal or excessive. On the contrary, it is a proportionate response to the gravity of the crime, firmly anchored in the statutory scheme and consistent with established legal principles. Sentencing is not an arithmetical exercise but a solemn judicial function requiring a balance between individual circumstances and society's call for justice. Where the victim is a minor daughter and the offender



her own father, the breach is doubly grave, inflicting deep physical and psychological trauma and shattering her sense of security within the home. In this context, the punishment imposed affirms the dignity of the survivor, reflects society's abhorrence of such crimes, and upholds the protective mandate of POCSO.

CONCLUSION

52. The testimony of the Prosecutrix, though not flawless, is credible on the core allegation and stands corroborated by the DNA report. No motive for false implication has been demonstrated, and the presence of the appellant's semen in her genital samples is incontrovertible scientific proof of assault. In these circumstances, the conviction is unassailable. The punishment imposed twenty years' rigorous imprisonment is a just and proportionate response, reflecting both the gravity of the crime and the statutory mandate of POCSO."

32. The social circumstances and the economic status of the family may have compelled the Prosecutrix and her mother to give contradictory statements or to turn hostile. However, in such cases the Court cannot completely ignore the scientific evidence which has come on record. In the present case, the DNA testing, being conclusive and unimpeachable evidence establishing the factum of physical relationship of the Appellant with the minor daughter, leaves no scope for doubt, and accordingly, the conviction of the Appellant cannot be faulted.

33. The provisions of the POCSO Act clearly lead to a deeming conclusion that the Appellant is guilty of the offences charged, and in fact, the same constitutes a gruesome offence, considering the relationship between the victim and the Appellant being that of father and daughter.

34. A father who is supposed to safeguard the safety and security of his



own daughter cannot be shown any relaxation in such cases. The presumption under Section 29 of the POCSO Act applies wholly in the present case.

35. In the opinion of this Court, the application seeking suspension of the sentence is completely meritless. In fact, the appeal itself is meritless.

36. The impugned judgement deserves to be confirmed. Ordered accordingly.

37. The appeal is accordingly dismissed. Pending applications, if any are also disposed of.

38. Copy of this order be sent to the Jail Superintendent, for information and compliance.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 15, 2026/ys/ck