



2026:DHC:4706



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

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Judgment reserved on: 06.05.2026
Judgment pronounced on: 25.05.2026
Judgment uploaded on: 26.05.2026

+ **CRL.A. 576/2025 & CRL.M.(BAIL) 953/2025**

ALOK YADAV@ AALOK YADEVAppellant

Through: Mr. Durga Prasad Shukla,
Advocate.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Manoj Pant, APP for
State.
Ms. Sanya Kumar (DHCLSC),
with Mr. Harsh Jain & Mr.
Chiranjeev Singh, Advocates
for the victim.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The appellant has, by way of this appeal, assailed the judgment dated 15.02.2025 [hereafter '*impugned judgment*'] and order on sentence dated 27.02.2025 [hereafter '*impugned order on sentence*'], passed by the learned Additional Sessions Special Judge (FTSC) (POCSO), South-East District, Saket Courts, Delhi [hereafter '*Trial Court*'], whereby he has been convicted in SC No. 119/2020, arising



out of FIR No. 21/2020, registered at Police Station Sarita Vihar, Delhi, for the commission of offence punishable under Sections 376/506/34 of the Indian Penal Code, 1860 [hereafter 'IPC'] and Section 6 of the Protection of Children from Sexual Offences Act, 2012 [hereafter 'POCSO Act'].

FACTUAL BACKDROP

2. The FIR in the present case was registered on the basis of a written complaint lodged by the father of the victim child, alleging therein that in August 2017, he had come to Delhi along with his wife 'K' and their minor daughter 'S' (victim) in search of employment. In Delhi, he had become acquainted with one Alok Yadav (the appellant herein) who had arranged private jobs for him and his wife, and thereafter they had started residing in a house at Jasola, Sarita Vihar. It was alleged that in October 2018, when the victim child expressed her wish to return to her native place, the complainant had requested his father to take her back to the village. After the victim had been sent home, the co-accused 'K' and the appellant Alok insisted on bringing her back. When the complainant asked his mother (the victim's grandmother) to send the child back to Delhi, the victim refused and, while tearfully narrating to her grandmother, disclosed the acts committed by the appellant and her mother 'K'. She revealed that whenever her father was away on night duty, the appellant and co-accused 'K' would sleep together on the same bed and made her sleep beside them. They would then engage in indecent acts (*gande*



kaam) in her presence, and the appellant herein would also commit such indecent acts (*gande kaam*) with her. She further stated that whenever she resisted, her mother would beat her and compel her to submit to the appellant, saying that he was the one running the household. She also narrated that when she threatened to disclose the incident to her father, both the appellant and her mother assaulted her and threatened to kill her father. It was alleged that after learning of these disclosures, the complainant and his parents were devastated, while the victim child was deeply shocked and became fearful at the very sight of men. It was alleged that the appellant, with the active assistance of the mother 'K', had repeatedly subjected victim 'S' to sexual assault. On these allegations, the present FIR was registered on 18.01.2020.

3. During the course of investigation, the victim was medically examined at AIIMS Hospital, Delhi, her statement under Section 164 of the Cr.P.C. was recorded before the learned Magistrate, and the accused persons were arrested. After completion of investigation, charge sheet was filed before the concerned Court, pursuant to which charges were framed against the accused persons.

4. During the trial, the prosecution examined 10 witnesses to prove its case. Thereafter, statements of accused persons were recorded under Section 313 of Cr.P.C. but no defense evidence was led by them. After hearing final arguments, the learned Trial Court was pleased to convict the appellant for commission of offence



punishable under Section 6 of POCSO Act and Section 376AB of IPC, whereas the co-accused 'K' was convicted for commission of offence under Section 6 read with Section 17 as well as Section 21 of the POCSO Act, *vide* impugned judgment dated 15.02.2025.

5. By way of order on sentence dated 27.02.2025, the learned Trial Court sentenced the appellant herein to undergo rigorous imprisonment for a period of 25 years and fine of Rs. 50,000/- for offence under Section 6 of POCSO Act.

6. Aggrieved therefrom, the appellant has preferred the present appeal.

7. It is also pertinent to note, at this stage, that the appeal against conviction preferred by the co-accused 'K' (mother of the victim) was dismissed by this Court *vide* judgment dated 18.09.2025 passed in *Crl.Appeal No. 829/2025*.

SUBMISSIONS BEFORE THE COURT

8. *The learned counsel appearing for the appellant* has argued that the prosecution case suffers from an inordinate and unexplained delay in reporting the matter to the police for registration of the FIR. It is submitted that the alleged incidents pertain to the period 2017–2018, whereas the FIR was lodged only on 18.01.2020. It is contended that the victim had been residing with her grandparents since October 2018 and, therefore, there was no plausible reason for the delay of more than one year in reporting the matter to the police.



It is further argued that the medical evidence does not support the prosecution case. The learned counsel submits that the medical examination of the victim was conducted nearly two years after the alleged incidents and, therefore, the MLC has no evidentiary value insofar as the alleged sexual assault is concerned. It is pointed out that despite allegations of repeated sexual assault over a prolonged period, the medical examination did not reveal any hymenal rupture, old injuries, scars, or signs of force. It is also contended that there is complete absence of any forensic or DNA evidence connecting the appellant with the alleged offence. The learned counsel has also assailed the testimony of PW-1 by contending that there are material contradictions in her version regarding the first disclosure of the incident. It is argued that at different stages of investigation, the victim has claimed to have first informed different family members, which makes the prosecution story doubtful and suggests that the witness had been tutored. It is further submitted that the victim had initially described the bed on which the alleged acts took place as a single bed, whereas later she stated that it was a double bed in a room measuring 9×9 feet, which is a material improvement affecting the credibility of her testimony. It is next argued that PW-2, the grandmother of the victim, is not an eyewitness to the incident in question and her testimony is entirely hearsay in nature. He further argues that, while the victim has disclosed the incidents in the year 2018, PW-2 testified that she was informed only in November 2019



about the offence, which creates inconsistency in the prosecution story. The learned counsel has further contended that PW-4, the father of the victim has admitted to having strained matrimonial relations with co-accused 'K', and this demonstrates that the present case is a result of family and matrimonial disputes. It is argued that despite the victim allegedly being in the custody of her grandparents since 2018, PW-4 did not immediately approach the police, which is unnatural conduct. Lastly, it is argued that the prosecution case is improbable and unreliable inasmuch as the alleged acts are stated to have occurred in a small shared room occupied by multiple persons. It is submitted that the delay in lodging the FIR, absence of medical and forensic evidence, contradictions in testimonies of the witnesses and the prosecutrix herself, in the background of admitted family disputes cumulatively create serious doubt regarding the prosecution case. On these grounds, it is prayed that the appellant be acquitted as the prosecution has failed to prove the charges beyond reasonable doubt.

9. *The learned APP for the State, along with the learned counsel appearing for the victim child, has argued that the offence in question is extremely grave and serious in nature, considering that the victim was merely about 10–11 years old at the relevant time and was repeatedly subjected to aggravated penetrative sexual assault by the present appellant. It is submitted that the appellant had committed the said acts with the active assistance of co-accused 'K' i.e. the mother*



of the victim child, who already stands convicted *vide* judgment of this Court dated 18.09.2025. It is further argued that the testimony of the victim is wholly reliable, categorical, and consistent on all material particulars. The victim has consistently narrated the incidents of sexual assaults in her statements recorded under Section 161 of Cr.P.C., Section 164 of Cr.P.C., as well as in her deposition before the learned Trial Court. It is contended that despite detailed and lengthy cross-examination, the defence could not elicit any material contradiction going to the root of the prosecution case. It is also argued that the appellant, in his statement recorded under Section 313 of Cr.P.C., has merely denied the allegations by taking a plea that he has been falsely implicated by the father of the victim as he was aware of the consensual relationship between him and co-accused 'K'. It is further argued that the testimony of the victim child is credible and trustworthy and, therefore, does not require independent corroboration for sustaining conviction. It is argued that the absence of medical or forensic evidence is not fatal once the ocular testimony of the prosecutrix inspires confidence. In any event, it is contended that the testimony of the victim stands duly corroborated by the testimonies of PW-2 (paternal grandmother), PW-4 (father), and PW-6 (paternal grandfather). Particular emphasis has been laid upon the testimony of PW-2, who categorically deposed that when she had asked the victim why she was unwilling to return to Delhi, the victim had disclosed that the appellant had repeatedly



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established physical relations with her and had threatened her not to reveal the incidents to anyone. The said version stands corroborated by PW-4 (biological father of the prosecutrix) and PW-6 (paternal grandfather of the prosecutrix). It is also contended that the discrepancies pointed out by the defence counsel, such as regarding the nature of the bed or the person to whom the victim first disclosed the incidents, are minor in nature and do not affect the core of the prosecution case. It is argued that a child witness recounting traumatic incidents after lapse of time cannot be expected to narrate every minute detail with photographic precision, and such minor inconsistencies are natural and inconsequential. As regards the delay in registration of the FIR, it is contended that the same stands sufficiently explained from the evidence on record. It is argued that the victim had disclosed the incidents only when she was being asked to return to Delhi and reside again with the appellant and co-accused 'K', whereafter she broke down and narrated the incidents to her grandmother. It is further submitted that the tender age of the victim, coupled with the surrounding family circumstances and the illness of PW-2, adequately explain the delay, and therefore, the same cannot be treated as fatal to the prosecution case. Lastly, it is argued that once the foundational facts constituting the offences under the POCSO Act stand established, the statutory presumptions under Section 29 and 30 of the POCSO Act are attracted against the appellant, which he clearly has failed to rebut. Therefore, it is prayed



that the present appeal be dismissed.

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

ANALYSIS & FINDINGS

11. The facts of this case are stark, wherein a 10-11 year old girl was subjected to repeated sexual assault by the appellant, which was allowed and facilitated by her own mother (co-accused 'K'). Before examining the case set up by the prosecution, it is apposite to first take note of the relevant legal provisions under the POCSO Act.

Relevant Legal Provisions

12. The offences for which the appellant has been convicted by the learned Trial Court are Section 376AB of the IPC and Section 6 of the POCSO Act. Section 376AB of the IPC prescribes punishment for the offence of rape committed upon a girl below twelve years of age, and the provision reads as follows:

“376AB. Punishment for rape on woman under twelve years of age.—

Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:



Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.”

13. Further, Section 6 of the POCSO Act prescribes punishment for aggravated penetrative sexual assault committed upon a child. The said provision reads as follows:

“6. Punishment for aggravated penetrative sexual assault.—

(1) Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine, or with death.

(2) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.”

14. Lastly, Sections 29 and 30 of the POCSO Act, being the presumptive provisions relevant to the adjudication of the present case, are also required to be considered. The said provisions read as under:

“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 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.”

Age of the Victim

15. *Firstly*, insofar as the age of the victim is concerned, this Court notes that the prosecution has led evidence to establish that the victim was a minor at the relevant time. PW-3, Dr. Pramod Kumar Mishra, Principal/In-charge, Composite Uchch Prathmic Vidyalaya, Bairi, Ganesh Pur, Shiksha Chhetra Jahangir Ganj, had produced the school admission register and proved the entry relating to the victim’s date of birth as 30.11.2007. The learned Trial Court has rightly recorded that on the basis of the said testimony, the date of birth of the victim stands proved, and that the offence in question was committed during the period 2017 to 2018, and therefore, ***the victim was only about 10 to 11 years of age at the relevant time***. Significantly, the testimony of PW-3 has remained unchallenged, since the accused persons did not cross-examine the said witness on any aspect, despite opportunity given nor was any argument was raised to dispute either the authenticity of the school records or the fact of the victim being a



minor at the time of alleged incident.

16. Accordingly, this Court is of the opinion that the prosecution has duly proved that the victim was a child within the meaning of Section 2(1)(d) of the POCSO Act at the time of the commission of the offences. Thus, the provisions of the POCSO Act stand fully attracted in the present case. Therefore, in this regard the findings of the learned Trial Court does not suffer from any infirmity or illegality.

Appreciation of Prosecution Evidence

17. In the above backdrop, this Court finds that it has been a consistent case of the prosecution, as evident from the testimonies of the prosecution witnesses, that in August 2017, the victim child, along with the co-accused/mother 'K', her father (PW-4), and her other siblings, had come to Delhi and had started living in a rented accommodation at Jasola, Sarita Vihar. The biological father of the prosecutrix had started working as security guard while the co-accused/mother 'K' had joined Apollo Hospital, Delhi. Further, as alleged, the accused/appellant Alok had played an instrumental role in securing employment for both of them in Delhi, and he used to reside in the same building in Delhi as that of the family of the victim.

18. **PW-1**, the victim child, who was examined by the learned Trial Court, has deposed that the appellant Alok used to often visit



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the house of the victim, both when her father (PW-4) used to be present in the house and in his absence. However, insofar as the alleged incidents are concerned, the victim child has deposed that the same used to take place in the absence of her father, when he used to be at his place of work. She has specifically deposed that the appellant used to remove her clothes, touch her private parts and insert his penis into her vagina. She has also deposed that upon her protesting to such acts, the appellant used to threaten her by saying that her father and brother would be killed if she disclosed about these incidents to anyone. Pertinently, she has also highlighted the role of the co-accused/mother 'K', in facilitating the commission of the said offence. In her testimony, she has categorically stated that the co-accused 'K' used to silence her voice whenever she raised an alarm, beat her and instead asked her to let the the appellant do whatever he was doing, saying that "*ye sab nahi hoga to ghar ka kharch kaise chalega*". She has further deposed that the appellant used to rape her during the day time as well as in the night, regardless of whether her mother was awake or asleep. She also testified that the co-accused 'K' used to sleep beside the appellant, and the appellant used to sleep between her and the co-accused 'K'. She also stated that she had disclosed these incidents to her grandmother, *bua* and *chacha* and thereafter, she was brought to Delhi for lodging the FIR. In her cross-examination, she has clarified that on the said bed, four people used to sleep and the sequence of the same was – the victim,



appellant Alok, co-accused 'K', and the victim's brother. She also clarified that her father had taken her to his village in October 2018.

19. Having considered the testimony of PW-1, the testimony of **PW-2**, i.e. the victim's grandmother, reflects that she was the first person who had been informed of the alleged incidents by the victim. She has deposed that her son (PW-4), along with his wife (co-accused 'K') and two children including the victim, had shifted to Delhi in August 2017. PW-2 has stated that she was seriously ill since November 2017 and was diagnosed with cancer in February 2019, whereafter she remained continuously ill and had to be operated upon twice. In the meantime, in October 2018, the victim had been sent to her maternal grandmother's home first, after which she was brought to the home of PW-2 i.e. her paternal grandmother. PW-2 has deposed that her medical situation remained critical till November–December 2019, as she was undergoing chemotherapy; and thereafter, when she had asked the victim child to return to Delhi at the residence of her parents, the victim had informed her of the alleged incidents of commission of sexual assault upon her by the appellant Alok and co-accused 'K'. Thereafter, PW-2 had called the victim's father and informed him about the details disclosed by the victim. As deposed by PW-2, it was pursuant thereto that she along with her husband (PW-6), the victim (PW-1), and the victim's father (PW-4), had reached Delhi on 18.01.2020 and reported the incident to the police.



20. At this stage, it would be material to take note of the testimony of the grandfather of the victim, who was examined as **PW-6** before the Trial Court. In his testimony, he has narrated the sequence of events, which corroborates the version of his wife, i.e. the victim's grandmother. He has specifically deposed that he had brought the victim child from the house of her maternal grandmother, to his home, and that his wife i.e. PW-2 had been informed by the victim of the acts committed by the appellant Alok as well as the co-accused 'K's role therein. Furthermore, as deposed by him, they had informed the victim's father about the facts disclosed by the victim child and thereafter, four of them had come to Delhi to lodge the FIR in question.

21. Now, the fourth material witness, whose testimony is to be considered, is **PW-4** i.e. the father of the victim child. He is also the complainant in the case, at whose instance the FIR was registered. He has supported the prosecution's case and has deposed that he was informed by his mother (i.e. PW-2) that the victim child had disclosed to her that she had been sexually abused by the appellant, in the presence of the co-accused 'K'. Thereafter, he had come to Delhi along with his parents and the victim child and had got the FIR registered.

22. Thus, the broad facts and allegations, as clearly emerging from the testimonies of PW-1, PW-2, PW-4 and PW-6 are that:

- The appellant was closely associated with the family of the



victim who had won their trust as he had been instrumental in getting employment to the parents of the victim, lived in the same building, and frequently visited the house of the victim.

- The appellant was having consensual sexual relations with the victim's mother (co-accused 'K'), and that the victim's mother and the appellant used to sleep beside her on the same bed, with the appellant sleeping between the victim and co-accused 'K'.
- The victim (PW-1) has categorically alleged that the appellant repeatedly committed penetrative sexual assault on her, at her home in Delhi, whenever her father was away for work.
- The victim has further deposed that her mother (co-accused 'K'), facilitated the commission of offence by silencing her, beating her when she resisted, and telling her to let the appellant do as he wished since otherwise, they would not be able to meet household expenses.
- The victim left Delhi in October 2018; first stayed with her maternal grandmother, and thereafter was brought to the house of her paternal grandparents.
- During this period, her grandmother (PW-2) was seriously ill and was undergoing treatment for cancer; *later*, when the grandmother asked the victim to return to her parents' house in Delhi, the victim disclosed the incidents of sexual assault



committed upon her by the accused persons.

- The victim's grandmother (PW-2) subsequently disclosed the incidents to her husband i.e. victim's grandfather (PW-6), who corroborated in his testimony that PW-2 had informed him of the disclosures made by the victim.
- Both grandparents thereafter informed the victim's father (PW-4), following which all three of them brought the victim to Delhi on 18.01.2020 and got the FIR registered.

23. The above-noted prosecution witnesses were cross-examined at length, and several questions were put to them to impeach their testimony. However, despite some minor contradictions, their testimonies have remained firm and consistent on the material aspects of the prosecution's case.

24. The victim, both in her statement recorded under Section 164 of Cr.P.C. as well as in her testimony recorded before the learned Trial Court, which is considerably detailed, has remained categorical and consistent that she was subjected to repeated sexual abuse over a period of time by the appellant Alok. She has also consistently alleged that her mother 'K', was fully aware of such acts being committed by the present appellant, yet instead of intervening, she chose to scold and beat her whenever she protested.

25. Thus, in view of the testimonies discussed above, a *prima facie* case stands established by the prosecution. Consequently, the



statutory presumption under Section 29 of the POCSO Act would be attracted against the appellant herein, shifting the burden upon him to rebut the same with cogent material/evidence.

Defense of Accused

26. The accused persons, in their statements recorded under Section 313 of Cr.P.C., denied the allegations levelled against them. Co-accused 'K', in her statement recorded under Section 313 of Cr.P.C., alleged that PW-6, i.e. the victim's grandfather, had been insisting that she enter into sexual relations with him and that, upon her refusal, she had been falsely implicated in the present case. *In contrast*, the present appellant Alok stated in his statement recorded under Section 313 of Cr.P.C. that he was in a consensual sexual relationship with co-accused 'K', and that her husband (PW-4) was aware of the same, owing to which he had falsely implicated him.

27. However, this Court notes that during the cross-examination of PW-4 (victim's father), he had categorically denied the suggestion put to him by the defense counsel that the appellant Alok had been falsely implicated on account of any alleged intimate relationship between him and co-accused 'K'. Further, insofar as the allegations levelled by co-accused 'K' against PW-6 are concerned, this Court also notes that no such suggestion was ever put to PW-6 during his cross-examination. Thus, the defence sought to be raised by the accused persons is clearly unsupported by any material brought on



record. This Court also notes that the accused persons had adopted mutually contradictory stands before the learned Trial Court. While co-accused 'K' attempted to attribute false implication in the present case to the conduct of PW-6, the present appellant attributed the same to the alleged matrimonial discord arising out of his purported relationship with co-accused 'K'. In this Court's opinion, these inconsistent defences, taken by the accused persons *inter se*, materially weaken the credibility of their case. It is also pertinent to note that the appellant Alok did not lead any defence evidence in support of his case.

28. In contrast, the statements of the victim have remained consistent on all material particulars/aspects throughout the proceedings and are also corroborated by the testimonies of PW-2, PW-4, and PW-6 regarding the details of the incidents of the sexual assault, disclosed by the victim and the surrounding circumstances. No cogent evidence was led by the appellant to rebut the statutory presumption under Section 29 of the POCSO Act. Apart from bare denial, no substantive defence was raised, nor was any defence witness examined in support of the case set up by the appellant.

29. The learned counsel for the appellant herein has contended that the victim child had failed to disclose the alleged incidents at the earliest possible opportunity. However, in the opinion of this Court, the delay in this disclosure does not affect the credibility of the prosecution's case. At the relevant time, the victim was barely around



10-11 years of age, living in an environment where the very person expected to protect her i.e. her own mother was instead facilitating the appellant in committing the offence in question. In such circumstances, it would be wholly unrealistic to expect a child of such tender age to muster the courage to promptly disclose the repeated sexual abuse she was subjected to. Her eventual disclosure to her grandmother and thereafter to other family members, when she found a safe environment away from the accused persons, appears to be both natural and credible. Thus, the delayed disclosure of incidents of sexual assault made by the victim child cannot be treated as an infirmity in the prosecution's case.

30. In addition, it has been argued on behalf of the appellant that the delay of more than a year in registration of FIR makes the prosecution's case doubtful. This Court however finds that the delay has been satisfactorily explained in the evidence of prosecution witnesses. It stands established that PW-2, the grandmother of the victim, to whom the victim first disclosed the incidents, was herself seriously ill, suffering from cancer, and undergoing surgeries and chemotherapy during the relevant period. PW-6, the grandfather of the victim, was primarily occupied in taking care of her. The complainant PW-4 (victim's father) was wholly unaware of the incidents of sexual assault until he was informed by PW-2. PW-2 was informed about the incidents by the victim child as soon as her medical condition had improved, and especially when the victim was



asked to return to her parents' house in Delhi. Thereafter, the present FIR came to be registered.

31. The Hon'ble Supreme Court has consistently emphasized that delay in disclosure and delay in registration of FIR, particularly in cases of sexual assault upon children, must be considered in the light of the sensitivities involved. In *State of Himachal Pradesh v. Sanjay Kumar: (2017) 2 SCC 51*, the Hon'ble Supreme Court has observed as under:

“30.....At the same time, after taking all due precautions which are necessary, when it is found that the prosecution version is worth believing, the case is to be dealt with all sensitivity that is needed in such cases. In such a situation one has to take stock of the realities of life as well. Various studies show that in more than 80% cases of such abuses, perpetrators have acquaintance with the victims who are not strangers. The danger is more within than outside. Most of the time, acquaintance rapes, when the culprit is a family member, are not even reported for various reasons, not difficult to fathom. The strongest among those is the fear of attracting social stigma. Another deterring factor which many times prevents such victims or their families to lodge a complaint is that they find whole process of criminal justice system extremely intimidating coupled with absence of victim protection mechanism...”

32. Thus, in the facts and circumstances of the present case, and considering the family dynamics, fear and trauma which the victim must have endured, and her vulnerable age, this Court finds that the delay in registration of the FIR is fully explained and does not in any way corrode the credibility of the prosecution case.

33. Another contention raised on behalf of the appellant is that the



victim had materially improved her statement regarding the bed on which she used to sleep with the appellant and co-accused 'K'. It has been argued that she had initially described it as a single bed and had later clarified it to be a double bed. This Court finds that such a discrepancy is minor and insignificant in nature. The testimony of a child witness cannot be expected to be accurate in such minute details, especially when she was recounting traumatic events from an impressionable age. At that age, it is highly probable that she would not have known or understood the distinction between a single and a double bed. What is material is that she has consistently deposed that she used to sleep on the same bed with the appellant and co-accused mother 'K', when the appellant used to commit sexual assault upon her. When weighed against the consistent, cogent, and categorical testimony of the victim, coupled with the corroborative statements of the grandparents and father, such minor discrepancies pale into insignificance. The learned Trial Court has, therefore, rightly rejected this contention of the appellant, and this Court finds no reason to take a different view.

34. Furthermore, it has been contended on behalf of the appellant that there is no medical evidence in this case to support the allegations of sexual assault. However, it is material to note that the absence of any medical evidence, such as injuries on the private parts of the victim, is explained by the fact that the victim had disclosed the incidents much later, i.e. more than a year after they had taken



place, for the reasons already noted above, to her grandmother, and the FIR was eventually registered in January 2020. By that stage, it was neither possible nor reasonable to expect any medical evidence of injuries etc. to be present. This Court is also of the view that when consistent ocular testimony of the victim child is available, lack of medical evidence can be no ground to discredit her version [Ref: *Deepak Kumar Sahu v. State of Chhattisgarh: 2025 SCC OnLine SC 1610*].

35. Equally relevant is the settled legal principle that conviction on the sole testimony of the victim is sustainable, provided her evidence is of sterling quality, free from material inconsistencies or inherent improbabilities [Ref: *State NCT of Delhi v. Pankaj Chaudhary: (2019) 11 SCC 575*]. It is also trite law that minor inconsistencies, especially in the testimony of a child victim of sexual assault, do not affect the substratum of the prosecution's case. [Ref: *State of Punjab v. Gurmit Singh: (1996) 2 SCC 384; Pappu v. State of Uttar Pradesh: 2022 SCC OnLine SC 176*].

Conclusion : Case Proven Beyond Reasonable Doubt

36. In light of the discussion made above, this Court is of the opinion that the evidence, both oral and documentary, clearly establishes that the victim was a child of tender age at the relevant time and that she was repeatedly subjected to penetrative sexual assault by the present appellant Alok over a considerable period of



time. To reiterate, the victim child has consistently deposed that whenever her father used to leave for work, the appellant would commit penetrative sexual assault upon her against her wishes, and would threaten her with dire consequences if she disclosed the incidents to anyone. Her testimony on material particulars has remained clear, cogent, and unshaken throughout the course of trial. The co-accused 'K', mother of the victim child, who was expected to protect and care for the child, instead facilitated the commission of the offences by the appellant. Her conviction has already been upheld by this Court.

37. Therefore, the consistent version of the victim regarding the acts committed by the appellant, coupled with the surrounding circumstances and the testimonies of PW-2, PW-4, and PW-6, clearly establishes that the victim child was subjected to repeated aggravated penetrative sexual assault while she was only about 10–11 years of age.

38. It is pertinent to note that once the prosecution had laid the foundational facts by proving the age of the victim, the commission of the sexual acts, and the involvement of the appellant, the statutory presumptions under Sections 29 and 30 of the POCSO Act necessarily came into operation, as already discussed hereinabove. The burden thus shifted upon the appellant to rebut the said presumptions by leading cogent evidence or furnishing a credible explanation. However, no material was brought on record by the



appellant to probabalise his defence or to weaken the prosecution case. No defence evidence was led, nor was any circumstance established which could rebut the statutory presumptions operating against him.

39. In this backdrop, this Court is of the considered view that the essential ingredients of the offences alleged stand duly established beyond reasonable doubt. The testimony of the victim inspires confidence, is natural and trustworthy, and finds adequate corroboration from the surrounding circumstances as well as the testimonies of the other prosecution witnesses. The minor discrepancies pointed out by the defence are insignificant in nature and do not affect the core of the prosecution's case. Thus, this Court finds that the charges for offence under Section 6 of POCSO Act and Section 376AB of IPC are proved beyond reasonable doubt against the appellant.

40. *As regards the quantum of sentence*, this Court notes that while the minimum prescribed punishment for the offence under Section 6 of the POCSO Act is twenty years and the maximum is imprisonment for life, the learned Trial Court has awarded a sentence of twenty-five years' of rigorous imprisonment to the appellant as well as to the co-accused 'K'. While doing so, the learned Trial Court has observed that the gravity of the acts committed had caused deep alarm in society and irreparable trauma to the victim; and that, in the interest of justice, a balance has to be maintained between the reformative



and deterrent theories of punishment. The learned Trial Court has also emphasized that the extent of punishment must depend on the atrocity of the crime, the conduct of the offenders, and the helpless state of the victim, and that appropriate punishment should reflect not only the rights of the accused but also the rights of the victim and society at large, thereby conveying the community's abhorrence of such crimes.

41. This Court is in agreement with the aforesaid observations. Considering the nature of the allegations and the fact that the minor victim child was subjected to repeated sexual assault within the supposed safety of her own home, with the active participation of her mother, no leniency is warranted in the matter while considering the quantum of sentence. The punishment awarded by the learned Trial Court is therefore just, appropriate, and commensurate with the gravity of the offences proved against the appellant.

42. In view of the foregoing observations, the impugned judgment of conviction as well as order on sentence is upheld.

43. The appeal is accordingly dismissed. Pending application, if any, also stands disposed of.

44. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 25, 2026/TD/RB