

2025 LiveLaw (SC) 744

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
VIKRAM NATH; J., SANDEEP MEHTA; J.**

July 25, 2025

**CRIMINAL APPEAL NO. _____ OF 2025 (ARISING OUT OF SLP (CRL) NO. 13834 of 2024)
SATAURAM MANDAVI *versus* THE STATE OF CHHATTISGARH & ANR.**

Constitution of India, 1950 - Article 20 (1) - Protection of Children from Sexual Offences Act, 2012 - Section 6 – Held, retrospective application of enhanced punishment violates Article 20(1) - Amended provision of Section 6 of POCSO Act, which came into effect on August 16, 2019, could not be applied to the appellant's case since the offence was committed on May 20, 2019 - Retrospective imposition of a harsher penalty is barred by Article 20 (1) of the Constitution of India, which states that no person shall be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence - Sentence of "imprisonment for life, meaning remainder of natural life" did not exist on the date of the incident under the unamended Section 6 - Maximum punishment then permissible was imprisonment for life in its conventional sense - Supreme Court upheld the conviction of appellant under section 6 of POCSO Act, and modified the sentence to rigorous imprisonment for life as understood under unamended statute, and set aside the sentence of imprisonment for the remainder of natural life - Appeal partly allowed. [Paras 9-12]

[Arising out of impugned final judgment and order dated 05-09-2023 in CRLA No. 34/2022 passed by the High Court of Chhattisgarh at Bilaspur]

For Petitioner(s): Ms. Shalu Sharma, AOR

For Respondent(s): Mr. Atul Jha, A.A.G. Mr. Abhishek Pandey Standing Counsel, Adv. Mr. Prashant Kumar Umrao, AOR

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. The present appeal arises from the judgment dated 05.09.2023 passed by the High Court of Chhattisgarh, whereby the appellant's appeal challenging the judgment of conviction dated 30.11.2021 rendered by the Trial Court was dismissed. By the said judgment, the appellant was convicted under Section 376AB of the Indian Penal Code, 1860¹ and Section 6 of the Protection of Children from Sexual Offences Act, 2012² and sentenced to imprisonment for life, meaning imprisonment for the remainder of his natural life, along with a fine of ₹10,000/-.
3. The facts, in brief, are as follows:
 - 3.1. On 26.06.2019, the father of the prosecutrix (PW-3) lodged FIR No. 37/2019 at Police Station Vishrampur, Kondagaon, Chhattisgarh. He stated that on 20.05.2019, he, his wife, and mother had gone to attend a marriage ceremony in the village, leaving their two children at home. The prosecutrix, then aged about 5 years, was playing outside the house. When his wife was later unable to locate their daughter, she went to the appellant's

¹ IPC.

² POCSO.

house and questioned him about her whereabouts. Upon being confronted, the appellant fled.

3.2. The FIR was registered against the appellant alleging that he had lured the prosecutrix to his house and committed rape upon her.

3.3. The Trial Court framed charges against the appellant under Section 376AB IPC and Section 6 of the POCSO Act.

3.4. Upon consideration of the oral and documentary evidence adduced, the Trial Court recorded a categorical finding that the appellant had lured the minor prosecutrix into his house and forcibly committed rape on her. The appellant was accordingly convicted and sentenced under Section 6 of the POCSO Act to life imprisonment for the remainder of his natural life, along with a fine.

3.5. The High Court, in the impugned judgment, affirmed the conviction and sentence. It recorded that no leniency could be shown in light of the fact that the victim was a five year old child and the crime committed was of a grave and heinous nature.

3.6. Aggrieved by the said conviction and sentence, the appellant has approached this Court.

4. We have heard learned counsel for the parties.

5. By order dated 30.09.2024, notice was issued limited to the question of sentence.

6. The submission advanced on behalf of the appellant is that the incident occurred on 20.05.2019. While the conviction is under Section 6 of the POCSO Act, the Protection Of Children From Sexual Offences (Amendment) Act, 2019, which came into force on 16.08.2019, enhanced the minimum sentence to 20 years and redefined "imprisonment for life" to mean imprisonment for the remainder of the natural life. It is the appellant's contention that the sentencing court erred in applying the amended provisions retrospectively, as the incident in question took place prior to the amendment.

7. The State, opposing any modification in sentence, contends that the appellant does not deserve any leniency considering the nature and gravity of the offence committed.

8. Section 6 of the POCSO Act, prior to the 2019 amendment, read as under:

"6. Punishment for aggravated penetrative sexual assault – Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine."

9. This Court, having found no merit in the challenge to conviction, had confined its notice to the question of sentencing. However, we find merit in the appellant's submission that since the offence was committed on 20.05.2019, the amended provision of Section 6 of the POCSO Act, which came into force on 16.08.2019, could not have been applied to his case.

10. In this regard, Article 20(1) of the Constitution of India is relevant and reads as under:

"20. Protection in respect of conviction for offences –

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."

11. The Constitutional bar against retrospective imposition of a harsher penalty under Article 20(1) is clear and absolute. The Trial Court, in applying the enhanced sentence introduced by the 2019 Amendment to Section 6 of the POCSO Act, has effectively subjected the appellant to a punishment greater than that which was permissible under the law in force at the time of commission of the offence which is clearly violative of the bar contained in Article 20(1) of the Constitution of India.

12. The sentence of "imprisonment for life, meaning remainder of natural life," as per the amended provision, did not exist in the statutory framework on 20.05.2019, the date of the incident. Under the unamended Section 6, the maximum punishment permissible was imprisonment for life in its conventional sense and not imprisonment till the remainder of natural life.

13. Accordingly, while we uphold the conviction of the appellant under Section 6 of the POCSO Act, we modify the sentence to that of rigorous imprisonment for life, as understood under the unamended statute, and set aside the sentence of imprisonment for the remainder of the natural life. The fine of ₹10,000/- is maintained.

14. Appeal is partly allowed as per the findings above.

15. Pending application(s), if any, stand disposed of.

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