

2025 LiveLaw (SC) 935

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ARAVIND KUMAR; J., N.V. ANJARIA; J.**

9 September, 2025

CRIMINAL APPEAL NO. /2025 [@SLP (CRL.) No. /2025] [@SLP (Crl.) Diary No.34304 of 2025]

ARJUN SONAR *versus* THE STATE OF ARUNACHAL PRADESH

Protection of Children from Sexual Offences (POCSO) Act, 2012 - Section 6 - Conviction and Sentence - Judicial Caution against Re-Traumatization – Held, appellant was convicted and sentenced to 20 years of rigorous imprisonment read with Section 12 of the POCSO Act - The prosecutrix’s statement under Section 164 of the Code of Criminal Procedure, 1973 (CrPC) to be detailed, coherent, and free from exaggeration or inconsistency - Her testimony was reiterated before the Trial Court and corroborated by contemporaneous medical evidence, which confirmed signs of recent forcible sexual intercourse - The victim’s age was established through her birth certificate, placing her unambiguously below 12 years at the time of the incident - Courts must remain vigilant against procedural submissions being used as harassment tactics, particularly in cases involving child sexual abuse - Reiterated that requests to recall a child victim after trial conclusion and concurrent findings of guilt raise serious concerns about secondary victimization - Such attempts must be discouraged to protect the integrity of the victim’s testimony and public confidence in justice delivery - the Supreme Court expressed anguish that no compensation had been awarded to the victim by either the Trial Court or the High Court - In exercise of its constitutional duty to provide meaningful redress Supreme Court directed the State of Arunachal Pradesh to pay Rs. 10,50,000 as compensation. [Paras 7-12]

[Arising out of impugned final judgment and order dated 01-07- 2024 in CRLAJ No. 06/2022 passed by the Gauhati High Court]

For Petitioner(s): Mr. Arjun Garg, AOR Mr. Rajasmit Mondal, Adv. Ms. Sagun Srivastava, Adv. Mr. Saaranish Shukla, Adv.

ORDER

1. Delay condoned.
2. Leave granted.
3. The appellant stands convicted under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and sentenced to 20 years of rigorous imprisonment for the offence of aggravating penetrating sexual assault on a minor girl aged about 11 years by the Court of the Special Judge, POCSO, East Sessions Division, Tezu in POCSO Case No.02 (LDV)/2019 arising out of PS Case No.55 of 2018 registered under Section 376/506 of IPC read with Section 12 of POCSO Act. The prosecutrix being a daughter of the sister of the accused (maternal uncle). His conviction was rendered by the Sessions Court after fullfledged trial and has been affirmed in an appeal by the High Court of Gauhati at Itanagar by a reasoned judgment dated 01.07.2024 in Criminal Appeal (J) No. 6 of 2022.
4. The contentions raised before this Court is that the appellant was denied effective legal assistance namely the defence advocate who had appeared on behalf of the accused did not cross-examine the prosecutrix. Based on this premise, the appellant has

sought for granting a fresh opportunity to test the testimony of the child victim and prays for an opportunity being granted.

5. On perusal of records, we find no merit in the appeal. The prosecutrix, then a minor of 11 years, made a detailed and coherent statement under Section 164 of Code of Criminal Procedure, 1973 (CrPC) narrating the incident without any exaggeration or inconsistency. She reiterated her statement recorded by I.O. before the trial court in her evidence. Her version is corroborated by contemporaneous medical evidence dated 24.11.2018 which confirms signs of recent forcible sexual intercourse. Her date of birth is established through her birth certificate and places her age unambiguously below 12 years on the date of the incident. The sessions court recorded cogent reasons while accepting the prosecution version and the High Court has independently re-apprised the entire evidence before affirming the conviction.

6. The fact that the defence counsel chose not to cross-examine the prosecutrix cannot by itself vitiate the proceedings, especially when the accused was present and made no protest application either to cross-examine the prosecutrix or immediately on the next date of hearing seeking for recall of the witness. There is nothing on record to show that the trial was unfair and caused miscarriage of justice. The effort now to seek reexamination of the victim, is an ineffective plea to reopen the trial. We also reject the contention regarding the late filing of the CFSL Report. The finding of the report does not exonerate the appellant or contradict the consistent oral and medical evidence. In fact, to satisfy ourselves, we called upon the appellant to file an additional affidavit by enclosing the medical report as annexure to the additional affidavit. Same has been filed and perusal of the medical report at column No.41 would disclose the opinion of the Doctor who clinically and physically examined and evaluated the victim as under:

“41. Opinion: - based on above noted findings victim was subjected to recent forceful sexual intercourse.”

The plea to contrary therefore is rejected. Based on a technical objection unworthy of consideration or granting any relief on the basis of such submission is not warranted in the instant case.

7. Courts must be vigilant not to allow procedural submissions to evolve into tactics for harassment. A request to recall a child victim after conclusion of trial and concurrent findings of guilt, raises serious concern. In the absence of any manifest illegality or perversity in the appreciation of evidence, no case for interference under Article 136 of the Constitution of India would be warranted.

8. Our judicial conscious also does not permit casual indulgence in a prayer for the appeal being entertained where the conviction has been rendered after full fledged trial, affirmed in appeal and the testimony of the victim is clear, cogent, and duly collaborated. This Court has repeatedly held that in serious offence under the POCSO Act, particularly those involving familial betrayal of trust, relief cannot be granted as a matter of routine when two courts have concurrently found guilt and the findings are not shown to be perverse interference under Article 136 of the Constitution of India is neither warranted nor justified.

9. The legal process cannot become a means to perpetuate injustice under the guise of a procedural lacunas. In matters involving sexual violence against children, the paramount consideration is not the convenience of the accused but the integrity of the victim's testimony, the finality of lawful findings, and the need to prevent secondary victimization. Once the trial has concluded and the testimony has been recorded, in accordance with law, any attempt to recall the victim for re-examination, must be treated

with extreme caution. In the absence of compelling legal necessity, it cannot be allowed. Such attempts must be discouraged, wherever necessary it should be nipped at the bud especially when they threaten to retraumatize the victim.

10. Courts have a duty to ensure that survivors of child abuse are not re-traumatized by the very justice system they turn for protection. Allowing such technical plea being raised in cases of such gravity, especially when guilt has been established after full fledged trial and confirmed in appeal, risks undermining public confidence in the administration of justice. It sends the wrong message/signal that procedural tactics override substantive findings. That cannot be permitted.

11. Let it be stated unambiguously: to grant relief in 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 betrayal of the constitutional promise made to every child in 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.

12. In the instant case, having held that the guilt of the accused has been proved by both the courts, we notice with anguish that no compensation has been granted by the Trial Court or the High Court to the victim girl. Having regard to the age of the victim at the time of the offence, the nature of the abuse she has been visited with and the constitutional obligation to provide meaningful redress, we direct that a sum of Rs.10,50,000/- (Ten lakhs and fifty thousand only) be paid to the victim as compensation by the State of Arunachal Pradesh. Though the victim has now attained the age of maturity, we are of the considered view that in order to protect her future interest, the amount ordered to be paid as compensation is required to be kept in a Fixed Deposit in her name to secure her future interest. Hence, we direct that the sum ordered hereinabove to be paid to her be kept in a Fixed Deposit in any Nationalised Bank for a period of 5 years in the name of the victim and she would be entitled to withdraw the quarterly interest. It is needless to state that on maturity of the Fixed Deposit, the proceeds thereof shall be transferred to her account and this process shall be monitored by the Member Secretary, Arunachal Pradesh State Legal Services Authority.

13. This Court reiterates that justice must not be limited to conviction, it must, where the law so permits, include restitution. In awarding the aforesaid compensation, we reaffirm the constitutional commitment to protect the rights and dignity of child survivors, and to ensure that the justice delivered is substantive, compassionate and complete.

14. In view of the afore stated discussion, we find no infirmity or perversity in the concurrent findings of the Courts below. Hence, the Appeal stands dismissed. Pending application(s), if any, shall also stand disposed of.