



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

**(1) D.B. Criminal Misc Suspension Of Sentence  
Application (Appeal) No. 2147/2025**

"B" S/o Chatra Ram, Aged About 52 Years, R/o Kotri, P.s. Desuri, Dist. Pali (Rajasthan). (Presently Confined In Dist. Jail Pali).

----Applicant

Vs.

1. State Of Rajasthan, Through Public Prosecutor.
2. Dileep S/o Pemaram, R/o Barli Guadi, Desuri, Police Station Desuri, District Pali.
3. "Bh" D/o "B", R/o Kotri, Police Station Desuri, District Pali (Rajasthan)

----Respondents

**(2) D.B. Criminal Appeal (DB) No. 262/2023**

"B" S/o Chatra Ram, Aged About 52 Years, R/o Kotri, P.s. Desuri, Dist. Pali (Rajasthan). (Presently Confined In Dist. Jail Pali).

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Dileep S/o Pemaram, B/c Prajapat, R/o Barli Guadi, Desuri, P.S. Desuri, Dist. Pali.
3. "Bh" D/o "B", R/o Kotri, P.s. Desuri, Dist. Pali (Rajasthan).

----Respondents

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For Appellant(s) : Mr. JVS Deora

For Respondent(s) : Mr. Rajesh Bhati, PP

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**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**

**HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

**Reportable**

Judgment

**24/02/2026**

1. The matter was listed on an application for suspension of sentence; however, with the consent of learned counsel for the parties, the appeal itself was taken up for final hearing and disposal.

2. The Hon'ble Supreme Court in the case of ***Nipun Saxena & Anr. Vs. Union of India & Ors., (2019) 2 SCC 703***, and further

reiterated in ***Birbal Kumar Nishad Vs. State of Chhattisgarh (SLP (Crl.) No. 4540/2021, decided on 30.06.2021)***, emphasized the mandatory requirement of protecting the identity of victims of sexual offences, and having regard to the provisions of Section 23 of the Protection of Children from Sexual Offences Act, 2012, this Court deems it appropriate to withhold the real name and identity of the victim and her close relatives. Accordingly, for the purpose of maintaining anonymity, the victim has been referred to as the "victim" and/or "Bh" and the accused-appellant being the father of the victim has also been referred to by a fictitious name i.e. "B" in the present judgment.

3. The instant Criminal Appeal under Section 374(2) of the Code of Criminal Procedure has been preferred by the accused-appellant "B" son of Shri Chatra Ram, assailing the legality and validity of the judgment dated 13.10.2023 passed by the learned Special Judge, Prevention of Children from Sexual Offences Act, 2012 and Child Rights Protection Commission Act, 2005, No.3, Pali (hereinafter referred to as "the Learned Trial Court") in Sessions Case No.89/2023, whereby the accused-appellant has been convicted and sentenced for the offences as under :-

|                   |                                                                                     |                                                               |
|-------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 376(3)<br>IPC     | Life imprisonment for the Remainder of the Natural Life, with a Fine of Rs.10,000/- | In default of payment of fine to further undergo 3 Month's SI |
| 376(2)<br>(F) IPC | Life imprisonment for the Remainder of the Natural Life, with a Fine of Rs.10,000/- | In default of payment of fine to further undergo 3 Month's SI |
| 376(2)<br>(J) IPC | 10 Year's R.I., with a Fine of Rs.10,000/-                                          | In default of payment of fine to further undergo 3 Month's SI |
| 5(L)/6            | Life imprisonment for the                                                           | In default of payment of                                      |

|       |                                                           |                                      |
|-------|-----------------------------------------------------------|--------------------------------------|
| POCSO | Remainder of the Natural Life, with a Fine of Rs.10,000/- | fine to further undergo 3 Month's SI |
|-------|-----------------------------------------------------------|--------------------------------------|

4. As per prosecution case, on 27.03.2023, PW-4 Dilip cousin brother of the "victim" (being the son of her uncle) appeared before the Police Station Desuri, Pali and submitted a written report (Ex.P-15) stating therein that on 27.03.2023, he was present at his shop and had gone to his house in the afternoon for lunch. Upon reaching at home, he found that his uncle's daughter ("victim"), who had been residing at his house for the preceding one month, had left the house without informing anyone and had allegedly gone away with some unknown person. He further mentioned in the report that as per the Aadhaar Card of the victim, her date of birth is recorded as "21.08.2008", and therefore on the date of submitting written report was approximately 14 years of age. He also stated that she had not taken any articles from the house except her clothes. On the basis of the said written report he requested for taking appropriate legal action.

5. On the basis of the above written report, a formal FIR No. 42/2023 was registered at Police Station Desuri, Pali against unknown person for the offence under section 363 of the Indian Penal Code.

6. After completion of investigation, the police filed a charge-sheet against the present appellant-accused for the offences under Sections 376(3), 376(2)(F), 376(2)(J) and 376(2)(N) of Indian Penal Code and Sections 3/4 and 5(L)/6 of the Prevention of

Children from Sexual Offences Act, 2012. The co-accused namely Mithun Khan was also charge-sheeted for the offences under Sections 363, 366, 376(3) and 376(2)(J) IPC and Section 3/4 of the POCSO Act.

7. Learned Trial Court framed, read over and explained the charges for the aforesaid offences against the appellant-accused and co-accused Mithun Khan. Both the accused denied the charges and claimed trial.

8. During the trial, the prosecution examined as many as 16 witnesses. In support of its case, the prosecution also produced documentary evidence, Exhibits P-01 to P-42.

9. The statement of the accused-appellant was recorded under Section 313 Cr.P.C., wherein he denied all incriminating circumstances put to him and specifically pleaded innocence. He stated that he has been falsely implicated in the present case, and that the "victim" used to talk with the co-accused Mithun, and that he has not committed any wrongful act. He further averred that he is suffering from a chronic disease. The accused-appellants produce documentary evidence Ex. D-01.

10. Learned Trial Court, after hearing the arguments advanced on behalf of both sides and upon appreciation of the oral and documentary evidence brought on record, convicted and sentenced the accused-appellant i.e. "B" as aforesaid vide judgment dated 13.10.2023. Further, learned trial court acquitted the co-accused Mithun Khan from the charges leveled against him while giving benefit of doubt.

11. Hence the present appeal.

12. Learned counsel for the accused-appellant submits that the impugned judgment passed by the learned trial court is ex facie illegal, contrary to the settled principles of law and the evidence available on record, and therefore deserves to be quashed and set aside. He further submits the learned trial court has failed to properly appreciate the evidence in its correct perspective and has ignored the material checks and balances available on record. He submits that the prosecution has utterly failed to prove its case beyond reasonable doubt and, as such, the conviction of the accused-appellant cannot be sustained.

13. Learned counsel for the accused-appellant submits that a careful perusal of the statements of the "victim" (PW-2) would reveal that she is not a reliable witness. There are material contradictions between her statements recorded under Sections 161 and 164 Cr.P.C. He further submits that "victim" has made significant improvements in her court testimony without any plausible explanation.

14. Learned counsel for the accused-appellant submits that as per the FIR, the "victim" had merely gone missing and that she subsequently altered her version, particularly with respect to co-accused Mithun Khan. He further submits that the accused-appellant has been falsely implicated as a result of a conspiracy hatched by the victim, the first informant i.e. PW-4 Dilip and the co-accused Mithun Khan.

15. Learned counsel for the accused-appellant further submits that the first informant i.e. PW-4 Dilip intended to solemnize an '*Aata-Sata*' marriage of the "victim" with his known person when the accused-appellant being father of "victim" resisted upon such proposal, he has falsely been roped into the present case. He also submits that the "victim" was in friendship with co-accused Mithun Khan too and, with intent to shield him; she changed her version against him.

16. Learned counsel for the accused-appellant submits that the learned trial court has failed to appreciate the medical evidence on record. He submits that the accused-appellant is medically proven to be an impotent person, and this fact has been duly established. Despite such evidence, being available on record, the learned trial court has relied only upon an alleged video without awaiting the Forensic Science Laboratory (FSL) report to establish its authenticity and genuineness. In the absence of the FSL report, it is argued, reliance upon such electronic evidence, is wholly unsustainable in law.

17. Learned counsel for the accused-appellant further drawn attention to the testimony of Dr. Arun (PW-7), who clearly stated that the accused-appellant is impotent. He submits that without proper appreciation of this crucial medical evidence, the learned trial court erroneously proceeded to convict and sentence the accused-appellant solely on the basis of an unverified video. He also submits that no forcible sexual intercourse was ever committed by the accused-appellant and that the "victim", in

connivance with the co-accused Mithun Khan and the first informant PW-4 Dilip, concocted a false story to implicate him.

18. Lastly, learned counsel for the accused-appellant submits that the accused-appellant is the biological father of the "victim" and it is highly improbable that a father would commit such a heinous offence against his own daughter. He further submits that the entire prosecution case is the result of a conspiracy orchestrated by the first informant to remove the accused-appellant as an obstacle in arranging the early marriage of the "victim". He also submits that the accused-appellant has no criminal antecedents and that his conduct during custody has remained satisfactory.

19. In view of the aforesaid submissions, learned counsel submits that the impugned judgment and order of conviction and sentence dated 13.10.2023 may be set aside and the accused-appellant may be acquitted of all the charges.

20. Per contra, learned Public Prosecutor has vehemently opposed the submissions advanced on behalf of the accused-appellant and has supported the findings recorded by the learned trial court. He submits that the impugned judgment dated 13.10.2023 does not suffer from any infirmity or illegality and that the conviction of the accused-appellant for the offences under Sections 376(3), 376(2)(F) and 376(2)(J) of the Indian Penal Code and Section 5(L)/6 of the Protection of Children from Sexual Offences Act, 2012 has been rightly recorded on the basis of reliable and cogent evidence available on record.

21. Learned Public Prosecutor submits that the prosecution has successfully proved its case beyond reasonable doubt. He submits that the "victim" was admittedly a minor girl of approximately 14 years of age at the relevant point of time, and her testimony clearly establishes that she was subjected to repeated sexual abuse by her father i.e. the present accused-appellant, over a considerable period. The "victim" has also specifically deposed regarding sexual assault committed by co-accused Mithun Khan. He further submits that the statement of the "victim" is consistent, trustworthy and inspires confidence, and there is sufficient material on record corroborating her version.

22. Learned Public Prosecutor further submits that the prosecution has placed on record electronic evidence in the form of a video recorded by the "victim" herself and the same has been accompanied by a certificate under Section 65-B of the Indian Evidence Act, thereby fulfilling the statutory requirement for admissibility. He also submits that although the medical report describes that accused-appellant "B" is an impotent person, but such finding of medical report does not, by itself, negate the commission of the offence, particularly when the electronic evidence supports the prosecution case and there is no justifiable reason to discard it.

23. Learned Public Prosecutor submits that there is no material available on record to suggest that the "victim" had any animosity, ill-will or ulterior motive to falsely implicate her own father "B" in such a grave offence. He further submits that in the absence of

any substantial challenge to those specific assertions, the uncontroverted portions of her evidence deserve to be accepted. He, therefore, submits that in such circumstances, the testimony of the "victim" remains unimpeached and forms a sufficient basis to sustain the conviction of the accused-appellant.

24. We have bestowed our anxious consideration to the submissions advanced by learned counsel for the parties and have carefully re-appreciated the entire oral as well as documentary evidence so also played/seen the video Article-2 (Pen-drive) available on record including the impugned order dated 13.10.2023.

25. It is noteworthy here that accused "B" is the biological father of the "victim". PW-2 ("victim") has given statement regarding committing the crime by her biological father. In this regard, if we observe the evidence of "victim" (PW-2), she specifically stated in her examination-in-chief that she does not have any brothers or sisters and that she is the only child. Her father used to drink liquor and does grocery business. Her mother's name is "J", who eloped and married again. Her father has three brothers, one of whom has passed away whose name was Balaram, and the other is Pemaram, who lives at Desuri. After her mother's second marriage, only she and her father lived at home. Her father used to sexually assault her and had been doing this for the last one and a half years. She then called her mother and informed her about the incident and told her that her father was doing wrong things and raping her. Thereafter, her mother came to Desuri to

take her, about 6-7 months prior. She was first taken to Desuri Police Station and from Desuri, she was taken to Mumbai where her mother lived. She stayed with her mother at Mumbai for six months. In Mumbai, her stepfather and mother did not treat her well, so she returned back to her village Kothdi, Pali to live with her father "B". Thereafter, her father again started doing wrong things and raping her. One day, she went to Nadol for a "*Dhund*" programme and there she met her cousin Daksha. She informed Daksha about the wrongful acts being committed by her father. Daksha advised her to record a video as no one would believe that her father could do such things. Thereafter, she recorded a video while her father was raping her. She kept the phone on near the window and recorded the video. She then sent the video to her elder sister Kanya. Kanya came to Desuri after two days and informed Dilip Bhai, and Dilip Bhai took her from Kotdi to his village Desuri.

26. We have carefully examined the cross-examination made by accused-appellant "B". However, the "victim" was not cross-examined in detail regarding the statements made in her examination-in-chief about the sexual assault and the recording of the video. The "victim" clearly stated that her father used to rape her and again started raping her after her return from Mumbai. Upon telling her cousin Daksha (PW-3), and on his advice, she recorded a video of the incident. However, no detailed cross-examination was conducted on these aspect of the matter. It is well-established law that if a material point is not challenged in

cross-examination, it is presumed that the same has been admitted.

27. An important point in the case is that according to PW-8, Dr. Arun, accused "B" was considered incapable of sexual intercourse. However, accused "B" did not cross-examine the victim on the aspect that he was incapable of having sexual intercourse. Furthermore, in her examination-in-chief, the victim used the words "wrongdoing" and "rape." The "victim" was not cross-examined as to what she meant by stating "wrongdoing" or "rape," nor was she confronted with any suggestion regarding incapacity.

28. The "victim" sworn statements regarding the sexual assault and the manner in which she was raped were sufficient without the necessity of corroboration. In relation to the said video, the evidence of PW-3 Daksha, PW-4 Dilip, PW-16 Kanya, and PW-10 Ramchandra, who issued the certificate under Section 65B of the Evidence Act, is important. PW-3 stated that she met the "victim" in Nadol in March 2023. The "victim" told her that her father was doing wrong things to her. Initially, she did not believe her, but after the "victim" cried, she advised her to record the incident. The "victim" recorded the video and sent it to her elder sister Kanya. Kanya came to Desuri two days later and she saw the video on Kanya's phone. PW-4 Dilip stated that the "victim" disclosed that her father was doing wrong things and that she recorded a video on advice. He saw part of the video and gave his mobile phone to the police. PW-16 Kanya stated that the "victim"

sent her a video six to seven months prior. After watching it, she forwarded it to her younger brother Dilip, after which, the victim was brought to their home. She described it as an indecent video of the "victim" and her father "B". PW-10 Ramchandra stated that the mobile phone (Exhibit P-13) was produced before him; the video was transferred to a pen drive through the police station computer without tampering; the phone was in working condition; it was sealed and marked; and he issued a certificate under Section 65B (Exhibit P-30). He further stated that the mobile phone of accused Mithun Khan was seized through Exhibit P-35 and sealed in his presence. The signatures were duly identified.

29. During the course of arguments, we have also played the video recorded by the victim (Article-2 i.e. Pendrive) on laptop and seen the alleged video committing sexual assault by the accused 'B' upon the victim. After viewing the said video, we are firmly of the opinion that the accused 'B' was not incapable of performing sexual intercourse. It is evident from the video that the accused 'B' committed sexual assault upon the victim and was capable of engaging in sexual intercourse. Therefore, the argument advanced by the learned counsel for the accused-appellant that accused 'B' is an impotent person holds no merit and is of no avail to the accused-appellant.

30. If all the above evidence is reviewed together with the statement of "victim" (PW-2) regarding the recording of the video, it appears that the "victim" recorded a video of her father committing sexual assault upon her. No effective cross-

examination was conducted to raise doubt regarding the authenticity of the video. Ramchandra PW-10 stated that the video was transferred without tampering, and this was confirmed by PW-13 Mukesh, the Investigating Officer.

31. The "victim" is the only daughter of her parents. She has no siblings, and her mother, after remarriage, shifted to Mumbai to reside with another man. Consequently, the "victim" was residing alone with her father - the accused-appellant. She had no immediate familial support other than him. In such circumstances, it is but natural that a minor girl below 16 years of age would hesitate to disclose such incidents, particularly when the accused-appellant was her own father and sole guardian. It is extremely difficult for a 14-year-old girl to muster the courage to lodge a complaint against her own father, upon whom she was dependent for shelter and survival. Despite these constraints, the "victim" ultimately confided in her cousin and her brother regarding the incident. Therefore, the delay in reporting and the initial non-disclosure of the offence appear natural and fully explained, and such delay does not in any manner weaken the prosecution case. In cases of sexual assault, it is well-settled that if the testimony of the "victim" is found to be credible, trustworthy, and of sterling quality, conviction can be based solely upon her evidence without the necessity of corroboration. In the present case, there is nothing on record to suggest that the "victim" harboured any personal grudge or animosity against her own father. On the contrary, the evidence reflects that he was her only support

system. It is inconceivable that a minor daughter would falsely implicate her own father in such a grave offence unless the crime had, in fact, occurred. The courage shown by the victim in recording the video of the incident further strengthens her credibility.

32. This view finds support in the judgment of the Hon'ble Supreme Court in ***Pramod Dey Vs. State of West Bengal (AIR 2012 SC 1598)***, wherein it was held that if the evidence of the victim/prosecutrix is found wholly reliable, the absence of FSL report cannot be a ground to discard her testimony. Similarly, in ***Wahid Khan Vs. State of Madhya Pradesh (AIR 2010 SC 1)***, it was held that corroboration of the victim's evidence is not necessary if her testimony inspires confidence, and even minimal penetration is sufficient to constitute sexual assault. Further, in ***State of Madhya Pradesh v. Dayal Sahu (AIR 2005 SC 3570)***, the Hon'ble Supreme Court reiterated that conviction can be based solely on the testimony of the victim/prosecutrix if it is credible, and minor contradictions cannot be a ground to reject her evidence.

33. Applying the aforesaid settled principles to the facts of the present case, this Court finds that the evidence of PW-2, the "victim", is wholly credible and inspires full confidence. There are no material contradictions, corrections, or omissions in her testimony. She has given a clear, cogent, and consistent account of the repeated acts of sexual assault committed upon her. The absence of effective cross-examination on the core allegations

further strengthens the probative value of her testimony. The electronic evidence in the form of the video recording corroborates her version. Accordingly, on the basis of the oral, documentary, and electronic evidence brought on record, this Court holds accused "B", son of Chataram, aged 52 years committed repeated sexual assault on her minor daughter.

34. It has been established that the accused-appellant, being the biological father of the victim, was under a sacred and moral duty to protect, nurture, and safeguard her. Instead, he repeatedly violated her bodily integrity and dignity over a prolonged period when she was merely 14 years old. Such conduct is not only criminal, but strikes at the very foundation of familial trust and societal morality. No daughter can ever anticipate that her own father would become the perpetrator of such trauma, thereby casting a permanent shadow upon her future.

35. Sexual offences, particularly those committed against children, inflict injuries that extend far beyond the immediacy of the physical act. The harm is not confined to bodily violation; it penetrates deeply into the psychological and emotional fabric of the victim, corroding trust, destabilizing security, and assaulting the very core of human dignity. When such an offence is perpetrated by the father—the person whom law and nature alike recognize as the child's guardian and protector—the crime assumes an aggravated and abhorrent dimension. It ceases to be a mere infraction of penal provisions and becomes a profound betrayal of the most sacred and foundational human relationship.

36. Crimes of this nature demand the sternest judicial response. The imposition of punishment must be proportionate to the gravity of the offence and reflective of society's collective denunciation of such conduct. Any indulgence or misplaced leniency shown toward such moral depravity would not only erode public confidence in the justice delivery system but would amount to a failure of the constitutional and statutory duty cast upon courts to protect children from sexual exploitation.

37. The foundational ethos of our civilization finds expression in the timeless verse:-

“यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः ।  
यत्रैतास्तु न पूज्यन्ते सर्वास्तत्राफलाः क्रियाः ॥”

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

38. This principle is not merely cultural rhetoric; it resonates profoundly with the constitutional guarantees of dignity, equality, and life under Articles 14, 15, and 21 of the Constitution of India. The dignity of women and children is inviolable. The justice system cannot countenance repeated violations of that dignity under the guise of misplaced sympathy or technical pleas.

39. The anguish of victims of such crimes echoes far beyond the courtroom. As poignantly reflected:-

“आज भी वातावरण में करुण पुकारों की प्रतिध्वनि सुनाई देती है;  
इस समाज की अनेक बेटियाँ भीतर ही भीतर पीड़ा सहते हुए जीवन  
व्यतीत कर रही हैं।

समाचारों की सुर्खियाँ फिर किसी अस्मिता के रौंदे जाने की कथा कहेंगी; किसी मासूम के रक्त से समाज का माथा पुनः कलंकित होगा। और वह अबोध प्रश्न फिर हवा में तैरता रहेगा—‘मेरा अपराध क्या था? क्या केवल बेटी होना ही मेरा दोष है?’ जब सभ्यता के आवरण में छिपी दरिदगी खुलेआम विचरती हो, जब मानवता का चेहरा ओढ़े भेड़िए निर्भीक घूमते हों, तब नारी के लिए जीवन का प्रत्येक कदम भय से घिर जाता है। कब तक उसकी गरिमा यूँ ही तार-तार होती रहेगी? कब वह समय आएगा जब इस समाज की राहें, गलियाँ और चौखटें सचमुच बेटियों के लिए सुरक्षित होंगी?

यह केवल एक पीड़िता की वेदना नहीं, बल्कि समूचे समाज की अंतरात्मा पर लगा प्रश्न है—क्या हम वह वातावरण निर्मित कर पाएँगे जहाँ बेटी होना अपराध नहीं, सम्मान का प्रतीक होगा?”

40. The above reflection underscores that the issue is not confined to an individual prosecution; it concerns the moral conscience of society and the obligation of courts to uphold the dignity and security of the girl child.

41. After giving thoughtful consideration to the rival submissions advanced by the learned counsel for the prosecution and the defence, and upon a comprehensive and careful evaluation of the entire oral, documentary, and electronic evidence brought on record, this Court is satisfied that the prosecution has proved beyond reasonable doubt that the accused “B” committed sexual assault upon his minor daughter “Bh.” The evidence of the victim has been found to be consistent, cogent, and trustworthy, and it inspires full confidence of the Court. The same stands supported

by the surrounding circumstances and other material on record. The defence has not been able to elicit any material contradiction or infirmity so as to create a reasonable doubt regarding the culpability of the accused.

42. The act committed by the accused-appellant is not merely grave in terms of the penal provisions attracted; it represents a profound violation of trust and responsibility. The accused was the biological father of the victim—the very person who, by law and by nature, was entrusted with the duty to protect, nurture, and safeguard her physical and emotional well-being. Instead of discharging that solemn obligation, he abused his position of authority and dominance to exploit the vulnerability and innocence of his minor daughter. Such conduct constitutes a complete and reprehensible betrayal of the most sacred and natural relationship between a father and daughter.

43. The seriousness of the offence is further aggravated by the tender age of the victim, who was legally incapable of giving consent, and by the repeated breach of her bodily integrity and dignity. The offence strikes not only at the individual victim but also at the foundational values of familial trust and societal morality. It amounts to a gross violation of the constitutional guarantee of dignity and personal liberty.

44. Accordingly, this Court records a clear finding that the guilt of the accused-appellant stands established beyond reasonable doubt, and the prosecution has proved its case in its entirety.

45. Accordingly, in view of the established evidence and the gravity of the offence proved, this Court records its considered finding that the act committed is of the most serious nature, warranting firm judicial condemnation and proportionate punishment in accordance with law.

46. Recently, the Hon'ble Supreme Court in the case of **Bhanei Prasad @ Raju Vs. State of Himachal Pradesh** reported in **2025 INSC 934** in somewhat similar circumstances has held as under:-

*"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.*

*14. In such exceptional circumstances, this Court cannot rest content with the imposition of penal consequences alone. The arc of constitutional justice, particularly under Article 142, extends beyond punishment to encompass rehabilitation, reparation, and the affirmation of human dignity. As held in *Nipun Saxena v. Union of India*<sup>1</sup>, this Court accepted*

and directed the implementation of the "Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018" framed by the National Legal Services Authority. Under the said Scheme, the maximum compensation prescribed for victims of rape is Rs.7,00,000/- (Rupees Seven Lakhs Only) which is to be enhanced by 50% in cases involving minor victims.

**15.** Having regard to the age of the victim at the time of the offence, the sustained nature of the abuse, and the constitutional obligation to provide meaningful redress, we direct that a sum of Rs.10,50,000/- (Rupees Ten Lakhs and Fifty Thousand only) be paid to the victim as compensation as per the Scheme by the State of Himachal Pradesh in the peculiar facts of the case. Though the victim has now attained the age of majority, we are of the considered view that in order to protect her future interest, some amount if ordered to be kept in a fixed deposit, it would secure her best interest. Hence, we direct that a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) 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. The balance, Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand Only) shall be paid to her by transferring the said amount to her account, the details of which shall be furnished by her to the Member Secretary, Himachal Pradesh State Legal Services Authority. 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 Himachal Pradesh State Legal Services Authority.

**16.** This Court reiterates that justice must not be limited to conviction, it must, where the law so permits, include restitution. In awarding this 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."

47. In view of the discussions made above, we find this is a fit case for awarding compensation under the Compensation Scheme

for "Women Victims/ Survivors of Sexual Assault/Other Crimes, 2018" framed by the National Legal Services Authority. Under the said scheme, the maximum compensation prescribed for victims of rape is Rs.7,00,000/- (Rupees Seven Lakhs Only). We therefore direct the State of Rajasthan to pay a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the victim as compensation pursuant to the Scheme of 2018.

48. On the question of quantum of sentence, we have also heard learned counsel for accused-appellant and have carefully considered the facts and circumstances of the case as well as the entire material available on record. We are of the considered view that the learned trial court has rightly passed the sentence against the accused-appellant and therefore no interference in the same is warranted.

49. In view of aforesaid observation, we find no infirmity or perversity in the findings of learned Special Judge (POCSO) below. Hence, impugned conviction dated 13.10.2023 is upheld.

50. Accordingly, the present Criminal Appeal as well as the application for suspension of sentence are hereby dismissed.

51. Office is directed to send the record forthwith.

**(CHANDRA SHEKHAR SHARMA),J**

**(VINIT KUMAR MATHUR),J**