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

Date of Decision: 16th September, 2025.

+ CRL.A. 200/2025 & CRL.M.(BAIL) 344/2025

BS

.....Appellant

Through: Mr. Anwesh Madhukar, Ms. Prachi Nirwan and Mr. Pranjal Shekhar, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumkar, APP for the State.

SI Pinky, PS: V.K. North.

Ms. Inderjeet Sidhu, Mr. Lalit Choudhary and Mr. Aditya D. Atri, Advocates for the Prosecutrix.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The Appellant assails the judgment dated 9th July, 2024, and the sentencing order dated 7th November, 2024, passed by ASJ-01 (POCSO), Patiala House Courts, New Delhi in Sessions Case No.213/2018. By the impugned judgment, he has been convicted for the offences under Section 376(2)(n)(k) of the Indian Penal Code, 1860¹ and Section 6 of Protection of Children from Sexual Offences Act, 2012² and sentenced to undergo

¹ "IPC"

² "POCSO"



rigorous imprisonment for a period of 20 years.

2. The aforementioned decisions emanate from FIR No. 284/2018 dated 14th May, 2018, for the offences punishable under Sections 376/323/506 IPC and Section 6 POCSO registered at P.S. Vasant Kunj North.

BRIEF FACTS OF THE CASE

3. The case of the prosecution, in brief, is as follows:

3.1. On 14th May, 2018, the aforesaid FIR was registered against the Appellant on the basis of a complaint lodged by his minor daughter, aged about 17 years at the time. She alleged that over a considerable period, the Appellant had subjected her to sexual assault while she was asleep and had used threats and violence to thwart disclosure. On the same day, she confided in doctors at Safdarjung Hospital, where she was medically examined. Information was then recorded as DD No. 35A dated 14th May, 2018 at P.S. Vasant Kunj North, leading to registration of the FIR. The MLC revealed a positive UPT. The Appellant was arrested the same day.

3.2. On 26th May, 2018, following the intervention of concerned authorities, a medical termination of pregnancy was conducted at Safdarjung Hospital, and the product of conception was seized under a memo. The Appellant's medical examination was conducted on 15th May, 2018, and relevant samples were taken into police custody. The seized exhibits were then forwarded to the Forensic Science Laboratory³ for analysis. The victim's 164 CrPC statement was recorded on 16th May, 2018. In its report dated 01st August, 2018, the FSL confirmed presence of semen in the vaginal and cervical mucus of the victim, and the DNA profile generated

³ "FSL"



was consistent with that of the Appellant. However, the report did not establish the Appellant as the biological father of the foetus. After completion of investigation, a chargesheet was filed before the Trial Court on 10th July, 2018.

3.3. On 27th October, 2018, charges were framed against the Appellant under Sections 376(2)(i)(n)(k) and 323 IPC read with Section 5(m)(p)(j)(ii) of POCSO, punishable under Section 6 thereof. The Appellant pleaded not guilty and claimed trial.

3.4. The prosecution examined five witnesses. After closure of prosecution evidence, the Appellant's statement under Section 313 CrPC was recorded, wherein he denied the allegations. No evidence was led in defence.

3.5. Upon appraisal of the evidence, the Trial Court held that the prosecution's case stood proved. The testimony of the Prosecutrix was found natural, consistent, and credible. It was corroborated by the medical examination, the positive pregnancy test, and the forensic report establishing the presence of the Appellant's semen in the collected samples. In the absence of any defence evidence or explanation under Section 313 CrPC sufficient to displace this body of proof, the Trial Court convicted the Appellant under Sections 376(2)(n)(k) IPC and Section 6 of POCSO.

CONTENTIONS OF APPELLANT

4. The Appellant raises the following grounds in appeal:

4.1 The Trial Court erred in appreciating the victim's 164 CrPC statement (Ex. PW-2/A), where no allegation was levelled against the Appellant but against neighbours, Lalu and Raju Yadav, who were not mentioned in her



prior complaint (Ex. PW-2/B). Later, in her deposition (10th April, 2019), she implicated both her neighbours and the Appellant, rendering her testimony unreliable. The Court itself noted that the witness spoke too fast, jumbling sentences, and seemed intent on narrating everything before forgetting.

4.2. The victim made material improvements over time. Neither in her complaint nor in her 164 CrPC statement did she mention the number of assaults, but in her deposition before the Court, she alleged being sexually assaulted on three occasions. Further, she also introduced allegations of unnatural sexual assault, which were absent from her earlier statements.

4.3. The victim's competency is doubtful. She was diagnosed with anxiety disorder, evident from her testimony, where she recalled trivial details but failed to correlate major incidents. During her medical examination, she also alleged being assaulted for eight years, which was not the case in any of her other statements.

4.4. The victim's MLC (Ex. PW-2/C) records no injuries, tears, or marks despite allegations of repeated assaults, contradicting the prosecution case. No evidence of trauma, laceration, or tenderness was noted in the genital region, nor were there external injuries consistent with the use of force.

4.5. The forensic report is unreliable. The FSL (Ex. PW-1/A) merely states that the DNA profile was "*consistent*" with the Appellant's, which in scientific terms does not prove sexual assault but reflects the admitted father-daughter relationship. Expert opinion is only advisory and cannot be conclusive proof, yet the Trial Court treated it as determinative.

4.6. The Trial Court wrongly drew an adverse inference from the absence of cross-examination of PW-1 (Dr. Kamal Chauhan). This lapse was due to



lapse on the part of Legal Aid Counsel, for which the Appellant cannot be penalized. Being a layman, the Appellant could not have been expected to know the nuances of forensic procedure or to instruct counsel on the line of cross-examination. It is apparent that ineffective representation has deprived him of a fair trial.

4.7. The integrity of forensic samples is doubtful. The Seizure Memo (Ex. P/AD-13) notes the seal as “DEPARTMENT OF FORENSIC MEDICINE AIIMS NEW DELHI”, while the FSL report (Ex. PW-1/A) refers to “MSL DEPARTMENT OF FORENSIC MEDICINE AIIMS NEW DELHI” raising doubts of tampering. Moreover, although collected on 15th May, 2018, the samples reached FSL only on 28th May, creating a 13-day unexplained gap. This lapse heightens the possibility of tampering of the exhibits, particularly in the absence of a clear explanation or documentation demonstrating how the exhibits were safeguarded during this intervening period.

4.8. The investigation was perfunctory: despite the victim naming Ravi and Lalu Yadav in her 164 CrPC statement, no inquiry was made against them, showing selective prosecution of the Appellant.

4.9. The chain of custody was gravely compromised. Doctors who collected the exhibits of the Prosecutrix and the Appellant (i.e., Dr. Mukta Rawat and Dr. Zahid Ali, respectively) were not examined; the seizure memos do not record sealing; no road certificate or malkhana register entries were produced; Ct. Md. Alam, said to have transported exhibits, was not examined. These lapses undermine the evidentiary value of the FSL report.

4.10. The sentence imposed on the Appellant (20 years RI) is legally impermissible. Section 6 POCSO prescribes a minimum punishment of 10 years, which may extend to life imprisonment, but does not authorize fixed-



term sentences beyond this range. Relying on the decisions of the Supreme Court in *Union of India v. V. Sriharan @ Murugan & Ors.*⁴ and *Ravinder Singh v. State Government of NCT of Delhi*⁵, and especially on the decision of the High Court of Karnataka in *Siddalingappa v. State of Karnataka*⁶, it is urged that only Constitutional Courts can impose such fixed-term sentences, and not the Trial Court. The fixed-term of 20 years is beyond the statutory prescription as it existed then and is therefore liable to be set aside.

CONTENTIONS OF RESPONDENTS

5. On the other hand, Mr. Mukesh Kumar, APP for the State, and Ms. Inderjeet Sidhu, counsel for the Prosecutrix, oppose the present appeal and submits as follows:

5.1. The statement of the Prosecutrix has remained consistent in all material particulars. In her deposition before Court, she categorically named the Appellant as the person who repeatedly subjected her to sexual assault.

5.2. The testimony of the Prosecutrix is further corroborated by the scientific evidence on record. PW-1, the expert from CFSL, categorically deposed that semen was detected in the vaginal swabs and that the DNA profile generated therefrom matched that of the Appellant. This constitutes decisive scientific corroboration of the Prosecutrix's version and leaves no scope for doubt. The objection regarding an alleged break in the chain of custody of the exhibits is baseless. No such suggestion was put to any Prosecution Witness during cross-examination, and the Appellant cannot be permitted to raise this plea for the first time at the appellate stage.

⁴ (2016) 7 SCC 1.

⁵ (2024) 2 SCC 323.



5.3. As regards the contention that the Appellant was not named in the 164 CrPC statement, the same does not render the Prosecutrix's testimony untrustworthy. She has been consistent in her FIR and in her deposition before the Court in making direct allegations against the Appellant, and she withstood cross-examination on this material aspect. Furthermore, the FSL/DNA findings corroborate her version. The Trial Court, having observed her demeanour and being mindful of her medical condition, evaluated the testimony with care and found it credible. At the time of deposition, the Prosecutrix was found competent to testify, and the Appellant never objected to her competency. Thus, there is no infirmity in the appreciation of her testimony or in the findings of the Trial Court.

5.4. The sentence awarded is commensurate with the gravity of the offence. The case concerns aggravated penetrative sexual assault by a biological father upon his minor daughter, representing the gravest possible breach of trust. In such circumstances, no leniency is warranted, and the punishment imposed is consistent with the statutory framework as well as the principles laid down by the Supreme Court for sentencing in sexual offence cases.

ANALYSIS AND FINDINGS

6. This case is deeply distressing, involving allegations of repeated sexual assault by a father upon his minor daughter, an act that strikes at the very core of the familial trust and sanctity. Before turning to the grounds urged in this appeal, it is considered appropriate to examine the findings of the Trial Court rendered upon appreciation of the evidence adduced by the

⁶ Criminal Appeal No. 1573/2018.



parties. The relevant portion is extracted hereinunder:

“14. Prosecution has filed & chargesheet against the accused on allegations of the minor girl victim that he had committed forceful sexual intercourse with her on multiple occasions. At the time of registration of the FIR, the victim was found pregnant and on her admission in Safdarjung hospital, police were alerted of the peculiar circumstances of this case. The victim alleged at the time of registration of the FIR that she had a history of epileptic seizures and was taking treatment for the said disorder and also for a liver ailment from a government hospital in Delhi. She claimed that she used to live in the city with the accused whereas the remaining members of her family were residing in the village at Bihar. The victim alleged to the doctors examining her that initially, accused used to rape her when she was sleeping while being sedated on account of her medication but later on he started, raping her even when, she was awake. After registration of the FIR, at the time of recording of her statement u/s 164 Cr.P.C., victim claimed that her neighbour namely Lalu Yadav used to rape her when she was alone in the house in the day time. She further claimed that the younger brother of alleged Lallu Yacey also misbehaved with her in the past. During her testimony, the victim claimed that these persons (alleged) used to take her forcibly to their room in the day and used to have sexual intercourse with her without her consent. She claimed that by evening time, the alleged persons used to send her back to her house. The victim admitted in her cross examination that she did not inform the doctors examining her that she was being subjected to forcible sexual intercourse by the alleged persons by claiming that she got scared in the hospital.

15. It finds mention in the testimony of the victim dated 10.4.2019 that she was a known patient of “Anxiety disorder”. The clinical counselling report filed by a psychologist in this case mentions that the victim was known to have trouble articulating her experiences and on account of law exposure and low cognitive profile, she had a problem in expressing herself. Furthermore, when the victim came to depose in the court on. 10.04.2019, she revealed that she had studied till class 5th in her village but after being rescued, she was living, in a protective home and was taking classes for class II. It seems that on account of illiteracy and her medical condition, victim had difficulty remembering days and dates and this fact was also mentioned by her to the Presiding officer recording her testimony during trial. The above noted facts coupled with the harrowing experiences undergone by the victim due to domestic abuse must have made her extremely uncomfortable and scared and thus, court can only make an honest attempt to understand her state of mind when she revealed her plight to the doctors on 14.05.2018. It is one thing being sexually abused by unknown men, however to be ravished in the



security of your own house by the very man who gave birth to you is something unimaginable and one cannot put the experience in words. Tinus, court cannot fathom the exact state of mind of the victim and can only assume that it would have taken her a huge amount of courage to come out in the open and bare her ignominy to strangers in a government hospital. It is mundane to observe that when the victim was admitted in the hospital, she was informed that she was pregnant, therefore it is reasonable to opine that the revelation would have shaken her to the core.

16. *During her testimony, victim revealed that her father had sexually abused her on 2-3 occasions in the past but even before these incidents, she had noted that her father had taken her indecent pictures while she was asleep and was storing them in his mobile phone. Thus, victim informed the doctors at the time of her medical check up that her father was sexually abusing, her since long. Ld. APP had rightfully argued that during the course of further investigation after 2 days of registration of the FIR, victim fairly disclosed to the Ld. Metropolitan Magistrate recording her statement u/s 161 Cr.P.C. that she was being sexually abused by two other persons also who used to reside in her neighbourhood. Even during trial victim deposed against these two alleged persons and she stood firm and deposed that it was not just these two men but even her father who had sexually abused her on 2-3 occasions and that is why she complained to the doctors when she went to take medicine from them.*

17. *It is apparent from the judicial record that the victim supported the case of the prosecution against the accused as during her testimony, she deposed that the accused had sexually assaulted her by inserting his penis into her vagina and had also abused her by inserting his penis into her anus Relevant extract of the testimony of the victim in this regard is reproduced below :-*

“uske baad mere papa ne mere saath galat karne lag gaye. Mere papa apne susu mere susu mei daale the aur ek baar toilet ke saste mei bhi daale the. phir se daale the.”

18. *The victim supported the case of the prosecution further by testifying against the alleged also in consonance with her statement us 164 Cr.P.C. She deposed the following:-*

“ Humare saath wale kamre mein Ravi Yadav aur uska bhatija Lallu Yadav rehte the jab dopahar mein aate the tab mere saath galat kaam karte the”

“Court question: Galat kaam se aapka kya matlab ?

Jab wo apne kamre mei le jaate the, wo apna susu mere susu mei daalte the aur mere kapde bhi utaar the aur apne bhi utaarte the”

19. *In the next part of her testimony, victim deposed that following*



with respect to alleged one Raju Yadav by stating as under;-

“yahan wahan (while saying this the witness has touched her chest with her hand) aur yahan (while saying this witness, has touched her stomach) white white karte the uss din jis din white daale the, us din shukravar ka din tha”

20. The victim had claimed in her evidence that when she went to the hospital, she found out that she was one month pregnant. The victim revealed in her testimony that at the time of commission of the offence of rape upon her by the alleged namely Raju Yadav, there was a white discharge and it was put in her body by the said person. As per the MLC Ex PW2/C of the victim, the last episode of sexual assault by the accused took place with her on 11.05.2018 and 12.05.2018 however, when the victim was medically examined on 14.5.2018, it was mentioned in her MLC that her last period was 1-1.5 months back. The victim also testified during trial that at the time of her medical examination she was found 1 month pregnant. FSL result filed by the prosecution did not establish the accused as the biological father of the unborn child of the victim. Furthermore, as per the testimony of the victim, the first incident with her father took place on “shukravaar” and the second incident took place after 2 days therefrom. She deposed that the following Monday, she went to the doctor to take medicine and when her father was coming inside the room, she asked him to wait outside and thereafter, she informed the doctor that her father was molesting her. It is on this very day that she found out that she was pregnant. Therefore, as per the own case of the prosecution, accused could get have been responsible for making the victim pregnant. Furthermore, even, the victim made no such claim after registration of the FIR or during trial that it, was the accused who was responsible for making her pregnant. As per the admitted case of the prosecution, the victim was already 1 month pregnant on 14.05.2018. She had claimed before the doctors that the accused sexually assaulted her on 11.05.2018 and 12.05.2018 whereas subsequently, she revealed that there were 2 other men who had also raped her in the past, In her evidence, victim deposed that before these 2 incidents, her father had never misbehaved with her in this fashion or sexually assaulted her in the past. Thus, it was not possible that the last reported 2 incidents of sexual assault by the accused would have resulted in making the victim pregnant. Thus, prosecution could not prove that the offences committed by the accused resulted in making the victim pregnant. However, the fact that the semen of the accused was found in the samples obtained from the vaginal and cervical area of the victim was conclusive enough to establish the guilt of the accused that he had committed penetrative sexual assault against the victim in the manner as deposed to by her during trial. As per the chargesheet, victim claimed that the incident took place with her on 11.05.2018 and 12.05.2018 whereas samples were taken from her on 14.5.2016. No



*defence was raised by the accused that his semen has been unauthorisedly obtained and planted in the samples obtained from the victim. Admittedly, samples were taken by the doctor examining the victim on 14.05.2018 and thereafter, they were sealed and transported to FSL by Malkhana officials. No evidence of tampering of any seals on the samples was adduced before the court neither any such ground was taken by the defence. During the course of final arguments, it was contended by the defence counsel that there was no possibility of finding the semen of the accused from the samples of the victim after 2 days of the incident. This contention of the defence is negated in view of the judgment of Hon'ble High Court of Himachal Pradesh in a case titled as **Parma Ram Vs. State Of H.P. (2007CRILJ2668)** wherein the following has been observed in relation to a similar argument:*

“As a matter of fact, in the treatise (modis jurisprudence), from which the learned Additional Advocate General read out, it is mentioned that spermatozoa, which is different from semen, can be found in the vagina up to seventeen days after the sexual intercourse, Spermatozoa is the mature motile male sex cell of an animal by which the ovum is fertilized, usually having a compact head and one or more flagella according to the dictionary meaning (The New Shorter Oxford English Dictionary Thumb Index Edition), Semen, on the other hand, according to the same dictionary, means reproductive fluid of male animals, containing spermatozoa in suspension. A comparison of the meaning of the two words shows that "spermatozoa" is a cell, which is part of the fluid known as 'semen'. The fluid part gets flushed out when the female urinates after sexual intercourse, while some of the spermatozoa, which get separated from the fluid while rushing towards the ovum, may remain stuck to the wall of the vagina for quite sometime. Therefore, the presence of the semen in the vagina is an indication that sexual intercourse has taken place recently while the presence of spermatozoa may not lead to such a conclusion.”

21. *It was argued by the defence that there were no signs of injury or marks of resistance on the body of the victim to prove that she had been subjected to forceful sexual assault by her own father in the recent past. The victim had claimed during investigation that accused used to molest her when she was drugged and asleep but thereafter, he had started raping her even when she was awake. Victim deposed that the accused committed penetrative sexual assault upon her twice. She claimed that he had never committed such an act with her in the past and after he did so, she reported the matter to the doctor immediately. It is worthwhile to record that the abuse of the victim at the hands of her own father had*



just begun when she reported the incident to the authorities. She clearly deposed that before this incident, her father had never treated her in such a fashion. It is an admitted fact that the victim, was brought from the village to the city for her medical treatment by her father. She was living thousands of kms. away from her mother and had no one to confide in at the said time. It is only reasonable to assume that the victim would have felt helpless and therefore she could not resist the advances of her father out of fear at the tune of these 2 incidents. She had otherwise explained that during the first incident, she was sleeping after taking her medicine and therefore, she could not put up a fight. When she got the nearest opportunity at the hospital, she immediately informed the doctors of the state of affairs. Therefore, no fault could be found in the conduct of the victim and it cannot be said that any absence of injury marks on the person or the victim were suggestive of the fact that she could not have been raped by the accused.

22. The court is sensitive to the environment in which the victim was brought up and thus, there is no constraint in accepting that the victim would have difficulty in remembering or recalling the exact dates when she was subjected to the offence of rape. The relevant part of her deposition with respect to the number of times and date when offences committed by the accused is reproduced below;-

"Papa ne mere saath pahli baar galat kaam sukravaar ko kiye the, uake baad 2 din ke baad kiye the. Mujhe taarikh yaad nahi, pichli holi ke baad."

23. Victim's testimony had made it clear that the accused had subjected her to forceful penetrative sexual assault in the recent past when she was examined by the doctors on 14.05.2018 She explained the time period by claiming that it took place after holi, She father explained it by revealing the chronology of days. She also revealed the day when she reported the incident to the doctors examining her at Safdarjung Hospital. Hence, minor discrepancy appearing in the testimony of the victim with regard to the exact date of the incident is immaterial and safe to be ignored.

24. In the decision reported as Krishan Kumar Malik v. State of Haryana in respect of the offence of gang rape under Section 376 (2) (g), IPC, the following has been observed with regard to sole testimony of the victim and the need to look for corroboration before convicting the accused;-

"No doubt, it is true that to hold an accused guilty for commission of an offence of rape, the solitary evidence of the prosecutrix is sufficient provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality."

25. In the present case, the testimony of the victim that she was subjected to forceful penetrative sexual assault by her father stands



corroborated by the opinion of the FSL expert finding, the semen of the accused in her vaginal and cervical samples. No rebuttal to the testimony of the FSL expert or his opinion is given by the defence. Furthermore, victim has withstood the test of cross examination as she has consistently deposed that she had been subjected to forceful penetrative sexual assault by her father i.e. accused. There is no denial to the fact that the victim was the real daughter of the accused and was a minor at the time of commission of offences against her. The admitted date of birth of the victim was 22.08.2000, which would make her to be 17 years old at the time of the offences immediately preceding the date of 14.05.2018. Thus, in view of the consistent evidence of the victim, which was also corroborated by the FSL expert, that court has come to the conclusion that Prosecution has proved that accused has committed offences under Section 376 (2) (n)(k) of Indian Penal Code and Sec 5 (p) of Protection of Children from Sexual Offences Act; punishable u/s 6 of Protection of Children from Sexual Offences Act against the minor girl victim. Accused is therefore convicted for the said offences by way of this judgment.”

7. Having noted the Trial Court’s appreciation, this Court must now undertake an independent evaluation of the record which includes the credibility of the Prosecutrix, the reliability of the medical and scientific evidence, and the adequacy of the investigation.

Age of the Prosecutrix and the Statutory Presumptions

8. The age of the Prosecutrix is not in dispute. The school records, admitted by the Appellant under Section 294 CrPC (Ex. P/AD-5 and Ex. P/AD-6), record her date of birth as 22nd August, 2000. The last incident allegedly occurred on 12th May, 2018, when she was about 17 years and 9 months old, and thus a “child” within the meaning of Section 2(1)(d) of POCSO. In law, documented school records are the primary proof for age determination; medical opinion is relevant only where reliable documents are unavailable. Her minority is, therefore, conclusively established.

9. The legal consequence is twofold. First, the charges squarely attract



the provisions of POCSO. Secondly, once the foundational facts are established, the statutory presumptions under Sections 29 and 30 of POCSO operate. Section 29 presumes commission of the offence by the accused; Section 30 presumes the existence of the requisite culpable mental state. These are rebuttable, but the burden of dislodging them lies squarely on the accused, who must produce material sufficient to create a preponderance of probability in his favour. Mere conjecture or suggestions in cross-examination are inadequate.

10. For completeness, the admitted father-daughter relationship, coupled with the allegations of repeated assault go to aggravation under Section 5 POCSO and bear upon the sentencing. They do not alter the threshold analysis but underscore the gravity of the allegations once liability is established. The Court now proceeds issue-wise to test the evidence against the governing principles.

Credibility and Sufficiency of Testimony of the Prosecutrix

11. The prosecution's case turns primarily on the testimony of the Prosecutrix. The defence assails her credibility by pointing to material shifts across her statements. At the time of her MLC, she told doctors that her father had been sexually abusing her for a long time, initially when she was sedated due to medication and later even when she was awake. In her statement under Section 164 CrPC, however, she implicated two neighbours, Lalu and Raju Yadav, and did not expressly name her father. In her deposition before the Trial Court, she again accused her father of committing sexual assault, while also referring to the involvement of others. The defence further stresses that she gave no precise dates of occurrence,



introduced allegations of unnatural sexual assault for the first time in her testimony before the Court, and that her anxiety disorder, noted during her testimony, affects her competence as a witness. On this basis, it is urged that her account is vacillating and unreliable.

12. The law on appreciation of testimony in such cases is well-settled. In *State of H.P. v. Sanjay Kumar @ Sunny*⁷, the Supreme Court held that the sole testimony of a Prosecutrix, if it inspires confidence, is sufficient to sustain conviction, and insistence on corroboration in every case would amount to adding “*insult to injury*”. Similarly, the Court in *Rai Sandeep v. State (NCT of Delhi)*⁸, explained the concept of a “*sterling witness*”, whose testimony, being consistent and of unimpeachable quality, can form the sole basis for conviction.

13. The Supreme Court in *Nirmal Premkumar v. State*⁹ categorised oral testimony into three classes: wholly reliable, wholly unreliable, and that which falls in between, where corroboration as a matter of prudence is desirable before conviction. It is equally well settled that child witnesses stand on the same footing as others if found competent, though their statements must be assessed with caution, given their susceptibility to influence.¹⁰

14. Applying these principles, the testimony of the Prosecutrix in this case does not fall into the first category of “*wholly reliable*”. The variance between her 164 CrPC statement and her deposition is material, and her anxiety disorder explains but does not cure the lack of coherence. At the

⁷ (2017) 2 SCC 51.

⁸ (2012) 8 SCC 21.

⁹ 2024 SCC OnLine SC 383.

¹⁰ *State of M.P. v. Balveer Singh* 2025 SCC OnLine SC 390.



same time, her account cannot be discarded as “*wholly unreliable*.” In both the FIR and before the Court, she consistently accused her father of subjecting her to penetrative sexual assault, and she withstood cross-examination on this core allegation. The contradictions relate more to the role of other individuals and the chronology of events, not to the central charge against the appellant.

15. Her competency to depose is beyond doubt. Section 118 of the Indian Evidence Act, 1872¹¹ presumes competence unless incapacity to understand questions or give rational answers is shown. No such objection was taken at trial. The Trial Court, having observed her demeanour, recorded its satisfaction that she was capable of giving rational answers. Her limited education and diagnosis of anxiety disorder explain her difficulty with dates and sequencing, but do not detract from the reliability of her core account.

16. The Court also notes that the Prosecutrix was found to be one month pregnant when medically examined on 14th May, 2018. The absence of paternity in respect of the foetus does not exonerate the Appellant merely rules out one consequence of the assault. It also does not dilute the separate and direct evidence of the presence of his semen in the Prosecutrix’s vaginal and cervical swabs, taken two days after the last reported assault on 12th May, 2018. These evidences provides objective corroboration of her testimony. Thus, while her evidence does not attain the standard of a “*sterling witness*”, it cannot be cast aside as wholly unreliable.

17. Viewed holistically, her evidence falls into the third category identified in *Nirmal Premkumar*: not seamless enough to be “*sterling*”, but not so infirm as to be rejected. Prudence therefore requires corroboration in



material particulars. That corroboration is forthcoming from the scientific evidence, most notably the FSL report detecting semen in her vaginal and cervical swabs and DNA analysis matching with the Appellant, to which the Court now turns.

Scientific Evidence: DNA Profiling and Chain of Custody

18. On 14th May, 2018, the Prosecutrix was medically examined at Safdarjung Hospital, where vaginal swabs (Ex. 1e), cervical mucus samples (Ex. 1f), and her blood sample were collected. The forensic report describes Exhibit 1e as a “*cotton wool swab on a wooden stick along with two microslides having faint whitish stains, kept in a paper envelope labelled as ‘Step-9 Vaginal secretion [V]’.*”

19. The FSL report (Ex. PW-1/A) records that semen was detected on the vaginal and cervical swabs, and that DNA profiling of these samples matched with the DNA profile of the Appellant. PW-1, Dr. Kamal Chauhan, who authored the report, proved both the findings and the genotype tables (Ex. PW-1/B). His evidence remained unshaken in cross-examination, and the defence did not challenge the scientific basis of his conclusions.

20. The Appellant nonetheless raises two objections. First, that the FSL report uses the word “*consistent*” instead of a categorical “*match*” or “*exclusion*”. Second, that the chain of custody was broken since the medical officers who collected the samples (Dr. Mukta Rawat and Dr. Zahid Ali) and the constable who transported them (Ct. Mohd. Alam) were not examined. It is also pointed out that seizure memos did not describe the condition of the samples and no road certificate or malkhana register was exhibited.

¹¹ “IEA”



21. Indeed, the integrity of forensic samples is critical. It is trite that the Courts now focus less on the inherent reliability of the science, which is well established, and more on whether the chain of custody inspires confidence. The Appellant has also placed reliance on the decision of the High Court of Punjab and Haryana at Chandigarh in *Rajli v. Kapoor Singh*¹² to contend that while DNA analysis is admissible and widely accepted under Section 45 IEA, its probative value depends on strict adherence to procedures i.e. collection, sealing, handling, avoidance of contamination, and qualifications of the analyst.

22. In the present case, the Prosecutrix's samples were collected by Dr. Mukta Rawat at Safdarjung Hospital and seized under memo Ex. P/AD-11, while the Appellant's samples were collected by Dr. Zahid Ali at AIIMS and seized under Ex. P/AD-13. PW-5, the Investigating Officer, deposed that she deposited all exhibits in the malkhana and later dispatched them to CFSL, Lodhi Colony, through Ct. Mohd. Alam. While it is correct that the doctors and constable were not examined, the seizure memos and the FSL report were expressly admitted by the Appellant under Section 294 CrPC, thereby dispensing with formal proof. Having elected not to contest these documents at trial, the Appellant cannot now impugn their authenticity. The defence also never suggested at trial that the semen had been planted or the samples tampered with. No breach of seals was proved, and minor variations in their description cannot, absent evidence of tampering, discredit the results. As for the delay of thirteen days in forwarding the samples, it is not fatal when the samples remained sealed.

23. On the terminology of the report, the submission that "*consistent*"

¹² 2013 SCC OnLine P&H 25166.



falls short of proving a match is misconceived. In forensic reporting, “*consistent*” is the standard expression used to denote a match within statistical certainty. PW-1 made it clear that the DNA profile generated from semen detected in the Prosecutrix’s genital swabs matched the Appellant’s reference profile. This establishes that the Appellant’s biological material was present in her body.

24. It is also significant, as the trial court correctly held, that although the Appellant was not shown to be the source of the pregnancy, the presence of his semen in the Prosecutrix’s vaginal and cervical samples is conclusive of penetrative sexual assault during the relevant period. The absence of paternity does not erase the offence; it merely rules out one possible consequence of it.

25. In sum, while the prosecution could have secured the chain of custody more meticulously, the defence has not demonstrated actual tampering or contamination. The DNA evidence, proved through an unshaken expert witness, supplies the prudential corroboration required in this case and stands as reliable scientific confirmation of the Prosecutrix’s testimony.

Adequacy of Medical Evidence

26. The defence has urged that the absence of injuries in the medical examination undermines the allegation of penetrative sexual assault. The MLC dated 14th May, 2018 recorded that the victim was one month pregnant. No external injuries or tears were documented, and she was subsequently subjected to a medical termination of pregnancy on 26th May, 2018, with the product of conception seized (Ex. P/AD-12).

27. The absence of injuries is not decisive in cases of child or adolescent



victims. The Supreme Court has routinely emphasized that lack of injuries does not mean absence of penetration. In this regard, reliance may be placed upon *Ranjit Hazarika v. State of Assam*¹³, wherein the doctor had opined that no rape appeared to have been committed because of absence of rupture of hymen and injuries on the private part of the Prosecutrix, however, the Supreme Court held that medical opinion cannot throw over board an otherwise cogent and trustworthy evidence of the Prosecutrix. Similarly, in *B.C. Deva v. State of Karnataka*¹⁴, the Supreme Court held as under:

“18. The plea that no marks or injuries were found either on the person of the accused or the person of the prosecutrix, does not lead to any inference that the accused has not committed forcible sexual intercourse on the prosecutrix. Though, the report of the Gynaecologist pertaining to the medical examination of the prosecutrix does not disclose any evidence of sexual intercourse, yet even in the absence of any corroboration of medical evidence, the oral testimony of the prosecutrix, which is found to be cogent, reliable, convincing and trustworthy has to be accepted.”

[Emphasis Supplied]

28. The rationale underlying these decisions is that several external factors may explain the absence of injuries, such as consensual submission under threat, prior habituation, or delay in medical examination. The High Court of Bombay in *Vilas & Anr. v. State of Maharashtra*¹⁵, while observing that the absence of physical injuries does not negate the commission of rape, noted as follows:

“32. To sum up on medical evidence, from the above rulings it is clear that the Hon'ble Apex Court in number of authorities, has held that in rape cases, crucial piece of evidence is that of victim and that conviction can be based on her sole testimony. Mere absence of physical injuries on the body of victim does not negate the

¹³ (1998) 8 SCC 635.

¹⁴ (2007) 12 SCC 122.

¹⁵ 2024 SCC OnLine Bom 689.



commission of rape. No doubt it is equally held that medical evidence, if available, is of great importance and can be proved to be of clinching nature, however, it is further clarified that it is to be borne in mind that its absence does not always become fatal to the prosecution. There are several reasons for which medical expert may not come across or notice injuries, more particularly when there are allegations of being forced upon by use of any threat or on weapon point. Here, precisely victim has deposed that on knife point, she was forcibly ravished. Therefore, it is possible that she may have been rendered helpless and might not have resisted out of fear. In cases of such nature, when testimony to such extent remains intact, court is expected to adopt a realistic view rather than finding loopholes.”

[Emphasis Supplied]

29. In the present case, the Prosecutrix was a minor of 17 years, legally incapable of consent. She explained that on one occasion she was sedated due to medication, and on another she was overpowered by her father, which accounts for the absence of resistance or injury. The trial court also correctly held that although the Appellant was not shown to be the source of the pregnancy, the presence of his semen in her vaginal and cervical swabs, taken two days after the assaults, was conclusive of recent penetration.

30. Thus, while the medical record does not record injuries, it does not exonerate the Appellant. Read together with the Prosecutrix’s testimony and the DNA findings, it supports rather than undermines the prosecution case.

Effect of Allegations Against Third Parties

31. A central plank of the Appellant’s defence is the Prosecutrix’s 164 CrPC statement, wherein she did not implicate her father but alleged sexual assault by her neighbours, Lalu and Raju Yadav. The Appellant argues that this contradiction fatally undermines her credibility and generates reasonable doubt.

32. Indeed, it is correct that her 164 CrPC statement diverged from both



her MLC and the FIR. In law, however, such a statement is not substantive evidence; its relevance lies in corroborating or contradicting testimony under Section 157 IEA. When she deposed in Court, the Prosecutrix directly implicated the appellant, narrating three specific incidents, including one after Holi 2018. She was cross-examined at length on her earlier account and firmly denied fabricating allegations against her father.

33. Jurisprudence mandates that such contradictions be evaluated holistically. The Supreme Court, in *Sanjay Kumar*, underscored that peripheral inconsistencies cannot eclipse the consistent core of a child's testimony, particularly where supported by scientific evidence.

34. The Prosecutrix consistently named her father in her FIR, MLC, and deposition before the Trial Court. The reference to neighbours arose only in her Section 164 statement, recorded during counselling when she was noted to be anxious and speaking disjointedly.

35. The Trial Court, having observed her demeanour first-hand, accepted her allegations against the appellant as genuine. In this context, the stray allegations against neighbours appear to have surfaced because of confusion rather than deliberate exoneration. The contradiction, though undeniable, does not dislodge the central accusation against the appellant.

36. The defence's contention that the reference to neighbours creates multiple possibilities, thereby warranting acquittal, cannot be accepted. The law does not demand arithmetical precision in human testimony, particularly from a child victim of sexual assault. What it required is proof beyond reasonable doubt, not beyond all doubt. Once the Prosecutrix's testimony against the appellant stands corroborated by forensic evidence linking his semen to her vaginal and cervical swabs, the possibility of mistaken or false



implication recedes into the realm of conjecture. The stray reference to neighbours does not generate a reasonable doubt sufficient to outweigh the combined force of her testimony and the scientific evidence.

Legality of Sentence

37. The submission that the Trial Court lacked power to impose a fixed term of 20 years' rigorous imprisonment under (pre-2019 amendment) Section 6 POCSO rests on a misreading of the provision. As it stood in May 2018, Section 6 mandated that a person committing 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*". Two consequences follow.

38. First, Parliament set a mandatory floor ("*not less than ten years*") and a ceiling ("*may extend to imprisonment for life*"). Read naturally, this creates a sentencing band, not a binary choice. Within that band, the court may select any determinate term above the floor and below life, or award life in an appropriate case. This is how cognate "*minimum-to-life*" formulations operate across the Penal Code (e.g., Section 304-B IPC: minimum seven years "*which may extend to imprisonment for life*") and sexual-offence statutes: trial courts routinely calibrate determinate terms i.e., 12, 14, 15, 20 years, by reference to aggravating and mitigating factors and the principle of proportionality.

39. Second, when Parliament intends to withhold the space for intermediate determinate terms, it does so expressly. Section 307 IPC ("*attempt to murder*") is illustrative. Where "*hurt is caused*", the offender is made "*liable either to imprisonment for life, or to such punishment as is*



hereinbefore mentioned” (i.e., up to ten years). This structure excludes determinate terms between ten years and life in that scenario. However, Section 6 POCSO contains no such disjunctive limit. The language used by it i.e., “*not less than ten years, but which may extend to life*” is the textbook signal of a continuum from a fixed minimum to a maximum, within which the court exercises sentencing discretion. The Appellant’s reading would, in effect, re-draft Section 6 POCSO on the model of Section 307 IPC, something the text does not bear.

40. This construction also aligns with the principles of sentencing. The floor secures real punishment for aggravated sexual violence against a child; life marks the utmost gravity. Between those poles, the judicial task is to grade punishment to culpability: there will be cases plainly warranting life, while others, though more aggravated than the minimum, may not call for imprisonment for life. To deny courts the ability to impose, say, 15 or 20 years, would collapse this graded scheme into an all-or-nothing choice, something which is neither textually compelled nor normatively sound. It is generally settled that the sentencing must reflect proportionality and consideration of aggravating/mitigating circumstances¹⁶.

41. The reliance placed by the Appellant on ***Ravinder Singh*** does not assist the Appellant. While affirming its earlier decisions in ***Swamy Shraddhananda v. State of Karnataka***¹⁷ and ***Sriharan***, the Supreme Court clearly distinguished between (i) special-category life sentences (life coupled with a direction restricting remission), which trial courts cannot impose, and (ii) ordinary sentencing within a statutory range, where trial

¹⁶ See generally: ***Soman v. State of Kerala*** (2013) 11 SCC 382.

¹⁷ (2008) 13 SCC 767.



courts can impose determinate terms anywhere between the minimum and life. The relevant observations of **Ravinder Singh** bear reproduction:

“13. The majority opinion in V. Sriharan, therefore, concluded by stating that the ratio laid down in Swamy Shraddananda, that a special category of sentence, instead of death, can be substituted by the punishment of imprisonment for life or for a term exceeding 14 years and that category can be put beyond application of remission, is well founded. It was further held that the power to impose a modified punishment within the punishment provided for in the Penal Code for such specified offences can only be exercised by the High Court and in the event of further appeal, by the Supreme Court, and not by any other Court in the country.

14. In the light of this settled legal position, it was clearly not within the domain of the learned Additional Sessions Judge to impose a restriction that the term of the appellant’s life imprisonment should be for at least 20 years and that he should not be given any clemency till then. Such power could only be exercised by the High Courts or by this Court. No doubt, the Delhi High Court confirmed the sentence passed by the learned Additional Sessions Judge but mere affirmation of the hollow exercise of a power, that was not conferred, by the learned Additional Sessions Judge does not qualify as an independent exercise by the High Court and would not suffice in terms of the legal requirement. It is only the High Courts or this Court that would have the power, upon proper application of mind, to take recourse to special category sentencing, depending upon the nature of the offence and its gravity. To that extent, the sentence imposed by the learned Additional Sessions Judge was, therefore, without legal basis.

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23. The above observations manifest the applicability of the same principle in cases where the maximum punishment prescribed by law is imprisonment for life with nothing further. Even in such cases, it would be a parody of justice to allow the convicts so sentenced to avail the benefit of remissions and the like, liberally conferred by the State, and cut short the length of their life sentence to a mere 14 years. We are, therefore, of the considered opinion that the law laid down in Swamy Shraddananda and V. Sriharan with regard to special category sentencing to life imprisonment in excess of 14 years by fixing a lengthier term would be available to the High Courts and this Court, even in cases where the maximum punishment, permissible in law and duly imposed, is life imprisonment with nothing further. We must, however, hasten to add that exercise of such power must be restricted to grave cases, where allowing the convict sentenced to life



imprisonment to seek release after a 14-year-term would tantamount to trivializing the very punishment imposed on such convict. Needless to state, cogent reasons have to be recorded for exercising such power on the facts of a given case and such power must not be exercised casually or for the mere asking.”

42. The above extracts make it clear that the limitation applies only to “*special category sentencing*” where the trial court, while imposing life imprisonment, seeks to restrict remission. They do not constrain the court’s discretion to impose an ordinary determinate term within the statutory range. The present case falls squarely in the latter category: the Trial Court imposed a plain determinate term of 20 years, without any remission-curtailing rider. That is legally unexceptionable.

43. The appellant places reliance on the Karnataka High Court’s decision in *Siddalingappa* to contend that the Trial Court could not have awarded a fixed term of twenty years’ rigorous imprisonment under the pre-amendment regime, arguing that the court was confined to either the statutory minimum or life imprisonment, with no room for intermediate determinate terms.

44. Before expressing the opinion on this contention, for convenience, the relevant portion of the afore-noted decision, in relation to the issue at hand, is extracted:

“9. In view of the above, the following point would arise for consideration;

“Whether the sentence of imprisonment of twenty years as awarded by the Trial Court for the offences under Section 376(2)(i) of IPC and Section 4 of the POCSO Act is provided for the said offences or not?”

10. The incident has taken place on 10.02.2013. As on the date of the said offences, the sentence provided for the offence under Section 376(2)(i) of IPC was as under;

“376. Punishment for rape.-(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to



imprisonment of life, and shall also be liable to fine.

(2) whoever,- xxxxx

(i) Commits rape on a woman when she is under sixteen years of age 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, which shall mean imprisonment for the remainder of that person's natural life and shall also be liable to fine."

11. The sentence provided for the offence under Section 4 of the POCSO Act reads as under;

"4. Punishment for penetrative sexual assault; Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine."

12. The Trial Court has awarded common sentence for the offences under Section 376(2)(i) of IPC, R/w Section 4 of the POCSO Act, to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.80,000/-, in default, to undergo simple imprisonment for another three years, which shall run consecutively. Even though the sentence of imprisonment for life is provided for the said offences, the Trial Court did not chose to exercise its discretion to impose the sentence of imprisonment for life.

*13. The Hon'ble Apex Court in the case of **Gopal Vinayak Godsey v. State of Maharashtra** reported in AIR 1961 SC 600 has observed that, life imprisonment should not have any term of confinement like 14 or 20 years. It is imprisonment for the rest of the natural life of the person convicted. The length of sentence of life in prison is not specified under IPC. The life imprisonment means confinement for the rest of the prisoner's life.*

*14. The Hon'ble Apex Court in the case of **Sangeet & another v. State of Haryana**, reported in (2013) 2 SCC 452 held that, a prisoner in prison for life should stay in detention until the end of his life, subject to any remission granted by the appropriate government.*

*15. The Hon'ble Apex Court in the case of **Naib Singh v. State of Punjab & Ors.** reported in AIR 1983 SC 855 has cleared the confusion with the duration of life imprisonment and section 55 of IPC, and held that, a life convict cannot claim for his release after serving 14 years in prison. Life imprisonment continues until the death of the person. The only exception to this is commutation and remission. Life imprisonment, if not remitted or committed by the appropriate Government, will be equivalent to imprisonment for the rest of the natural life of the person convicted and not only 14 years or 20 years.*

*16. The Hon'ble Apex Court in the case of **Union of India v. V.Sriharan** reported in (2016) 7 SCC 1 has held that Trial Court does not have the*



*power to deprive the remission power of the appropriate Government. This power lies only with the High Court and Supreme Court. The same view was reiterated in the case of **Savitri v. State of Haryana** reported in (2016) 1 SCC 1.*

17. The Trial Court even though the imprisonment for life is provided for the said offences, has not chosen to award imprisonment for life. The Trial Court awarded the sentence of imprisonment for twenty years. The award of imprisonment for twenty years which is fixed term is not provided either under Section 376(2)(i) of IPC or under Section 4 of the POCSO act. The Court for the offences under Section 376(2)(i) of IPC, is empowered to impose the sentence, either ten years which is the minimum sentence or imprisonment for life. The Court for the offence under Section 4 of the POCSO Act, is empowered to impose the sentence for a term of seven years, which is minimum sentence or imprisonment for life. The said two provisions ie., Section 376(2)(i) of IPC and Section 4 of the POCSO Act, does not give discretion to award sentence for fixed term of twenty years. The sentence for fixed term like 15 years, 20 years, 30 years, 40 years or 50 years is not provided for those offences. Therefore, the sentence imposed by the Trial Court for a fixed term of twenty years is not provided either under Section 376(2)(i) of IPC or under Section 4 of the POCSO Act. Therefore, the Trial Court has erred in sentencing the appellant – accused to undergo Rigorous Imprisonment for a fixed term of twenty years. As the Trial Court has not exercised its discretion in awarding the maximum sentence of imprisonment for life, now in this appeal preferred by the appellant – accused, a minimum sentence of imprisonment for ten years requires to be awarded. Accordingly, the above point is answered. In the result, the following;”

45. The Karnataka High Court’s view that a trial court, when faced with a statutory prescription of “*not less than ten years, but which may extend to imprisonment for life*”, is confined to either the minimum or life imprisonment, appears, with respect, misapprehend both the legislative design and binding precedents. The expression “*may extend to life*” cannot be understood, in our penal statutes, to denote a sentencing continuum: a range within which the court is authorised to select a determinate term above the minimum, or to award life in the gravest cases. To collapse this continuum into a binary choice between the floor and the ceiling would



defeat the very function of judicial discretion in sentencing.

46. The Supreme Court authorities cited in *Siddalingappa* (such as, *Gopal Vinayak Godse*, *Naib Singh*, *Sangeet*) clarify that “*life imprisonment*” in the Indian jurisprudence, means for the entirety of the convict’s natural life, subject to commutation or remission by the appropriate government. Those rulings address how remission interacts with a life sentence and reject the misconception that “*life*” is reducible to 14 or 20 years. They do not, however, hold or even suggest that courts are precluded from awarding determinate terms between the statutory minimum and life when the statute itself prescribes a “*minimum-to-life*” sentencing band. To read them otherwise is to over-extend principles that are context-specific to the meaning of “*life*”, not to the discretion vested in trial courts to calibrate punishment within a statutory range.

47. The reliance on *Sriharan* is likewise misplaced. *Sriharan* concerned “special category” life sentences, instances where courts, while imposing life imprisonment, directed that remission powers of the executive would not be available for a specified minimum period. The Constitution Bench held that only constitutional courts, not trial courts, could impose such remission-excluding stipulations. Importantly, *Sriharan* did not address, still less curtail, the ordinary discretion of a trial court to impose determinate terms within a statutory band framed as “*not less than X, but which may extend to life*”. The source of that discretion is the statute itself: its plain words create a sentencing continuum between the prescribed minimum and life imprisonment, within which a court may calibrate punishment to the gravity of the facts. To read *Sriharan* and earlier rulings on the meaning of “*life imprisonment*” as foreclosing that discretion, as the Karnataka High Court



did in *Siddalingappa*, is to misapply the decision.

48. In this case, therefore, the Trial Court's sentence of twenty years' rigorous imprisonment represents nothing more than an exercise of ordinary sentencing discretion within the band laid down by Section 6 of the POCSO Act. It is not a "*special category*" life sentence, nor does it curtail the remission powers of the State. The reasoning in *Siddalingappa*, with the utmost respect, does not square with the statutory language or with the jurisprudence laid down by the Supreme Court.

49. In summation, the Appellant's interpretation would produce sentencing anomalies. It would compel courts, in aggravated cases falling short of life, to revert to the bare minimum regardless of repeated assaults, breach of fiduciary trust, or other proven aggravation, thereby defeating the Legislature's graded-punishment design. Section 6 POCSO avoids that pitfall by granting courts the latitude to move upwards from the floor when the facts demand it. For completeness, it may be noted that the 2019 amendment prospectively raised the minimum to 20 years and added death in defined cases; that change only underscores that, pre-amendment, Parliament had already envisaged determinate terms between 10 years and life.

50. Turning to the facts at hand, the aggravating features are stark. The offence was not a solitary lapse but a sustained course of sexual assaults by a biological father upon his minor daughter, accompanied by threats and coercion. Such conduct, which violates both law and the most sacred familial trust, justifies a punishment substantially above the minimum.

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.

53. The appeal is accordingly dismissed, along with any pending applications.

SANJEEV NARULA, J

SEPTEMBER 16, 2025

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