



2025:GAU-MZ:106

IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

CRL. APPEAL (J) No.24 of 2024

Sh. Laldinsanga
S/o- Lalrinchhana
R/o- Zawngtetui, Champhai Dist.

.....Appellant

-Versus-

1. State of Mizoram,
Represented by the Public Prosecutor,
Mizoram.
2. Lalmangaihkima
S/o- Thalthianlova
R/o- Zawngtetui, Champhai District.

.....Respondents

- B E F O R E -

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

For the Appellant	: Mr. H. Zodinsanga, Amicus Curiae.
For the Respondents	: Mrs. Mary L. Khiantge, Additional Public Prosecutor, Mizoram.
	: Mr. Jordan Rohmingthanga, Legal Aid Counsel for respondent No.2.

Date of Hearing : 20.05.2025.

Date of Judgment : **20.05.2025.**

JUDGMENT & ORDER (ORAL)

Heard Mr. H. Zodinsanga, learned Amicus Curiae appearing for the accused/appellant. Also heard Mrs. Mary L. Khiangte, learned Additional Public Prosecutor, Mizoram appearing for the respondent No.1 and Mr. Jordan Rohmingthanga, learned Legal Aid Counsel appearing for the respondent No.2/informant.

2. This appeal is directed against the judgment & order dated **22.04.2024**, passed by the learned **Presiding Officer/Judge, Fast Track Special Court (Rape & POCSO Act, 2012)**, Champhai District, Mizoram, (hereinafter referred to as "trial Court") in case No. **FTSC (CPI) POCSO:65/2023**, arising out of **Crl. Trl. No. 248/2023**, registered under **Section 6 of the POCSO Act, 2012**, whereby the accused/appellant has been convicted under Section 6 of the POCSO Act, 2012, and sentenced to undergo rigorous imprisonment for a term of 10 (ten) years with a fine of Rs. 5,000/- (rupees five thousand) only, in default of payment of the fine to undergo simple imprisonment for a term of 2 (two) months.

3. The brief fact of the prosecution case is that PW-1 lodged an FIR on 02.06.2023, before the Officer-in-charge of Dungtlang Police Station, alleging, *inter alia*, that during the year 2018, the accused/appellant called his daughter,

who was 9 years old, to his home during the afternoon and had sexual intercourse with her on his bed. It is further alleged by the prosecution that the accused/appellant inserted his penis inside the vagina of his daughter and that she said that she was bleeding from her vagina during the process. It is further alleged that the accused/appellant had also invited his younger daughter to his home during the year 2021 and took off her clothes and brushed his penis on her vagina that day. Accordingly, a case was registered being Dungtlang P.S. Case No.12/2023 dated 02.06.2023, under Section 6 of the POCSO Act, 2012, read with Section 376 AB of the Indian Penal Code, 1860. Thereafter, the Investigating Officer conducted the investigation, wherein the statement of the victim as well as the statement of the other witnesses had been recorded, and the victim was sent for medical examination. After collection of the Medical Report and completion of the investigation, Charge-sheet was submitted. Thereafter, the trial Court framed charges under Section 6 of the POCSO Act, 2012, and the trial commenced. During the trial, the prosecution examined 7 (seven) prosecution witnesses. After the closure of the prosecution witnesses, the accused/appellant was examined under Section 313 of the Criminal Procedure Code (hereinafter referred to as "Cr.P.C."), where all the incriminating circumstances were put to him, which he generally denied; however, he adduced 2(two) defence witnesses. After the closure of the defence evidence, and hearing both the sides, the trial Court pronounced its judgment & order on 22.04.2024, whereby the

accused/appellant was convicted and sentenced thereof. Hence, the present appeal.

4. Mr. H. Zodinsanga, learned Amicus Curiae submits, that the F.I.R., was filed after a gross delay from the alleged date of incident and that the prosecution has failed to give a reasonable explanation as regards the delay of filing of the F.I.R. He further submits that the age of the victim having not been proved, the conviction is vitiated.

5. Per contra, Mrs. Mary L. Khiangte, learned Additional Public Prosecutor submits, that the victim girl in her deposition before the court has clearly explained the delay for which the FIR was filed. She further submits that in cases relating to offences under the POCSO Act, it is nothing unusual for the victim to finally reveal the alleged sexual assault after a considerable length of time. She further submits that it is the sole testimony of the victim girl, which in such cases is to be scrutinized properly so as to inspire the full confidence of the court before acting on such testimony alone for convicting the accused person. In support of the aforesaid submission, she relies upon the following decisions of the Apex Court in the case of: -

- (i) State of U.P Vs. Pappu Alias Yunus and Another,** reported in **(2005) 3 SCC 594.**
- (ii) Just Rights For Children Alliance and Another Vs. S. Harish and Others,** reported in **2024 SC Online SC 2611.**

(iii) State of Mizoram Vs. Sh. Lalramliana & Another
in *Crl.A.No. 9/2019*.

(iv) Lok Mal Alias Loku Vs. State of Uttar Pradesh,
reported in *(2025) 4 SCC 470*.

6. Mr. Jordan Rohmingthanga, learned Legal Aid Counsel for the respondent No. 2 submits, that the version of the prosecutrix is unchallenged by the accused/appellant, and therefore, the same is sufficient alone for maintaining the conviction against the accused/appellant. He further submits that the accused/appellant has failed to discharge the reverse burden as required under Section 29 of the POCSO Act, 2012. He further submits that the Medical Report corroborates the allegation of sexual intercourse alleged by the victim, and hence, the testimony of the victim stands fully corroborated.

7. I have given my prudent consideration to the arguments advanced by the learned counsels for the contending parties and have perused the material available on record including the citations submitted at the bar.

8. This being an appeal against conviction let me now analyze the evidence on record.

9. **PW-1**, who is the father of the victim girl and also the informant in the case, deposed that in the year 2018, the accused/appellant had committed sexual offence upon his daughter by inserting his penis inside her vagina at his residence. He further deposed that according to the victim at the time when the accused/appellant had inserted his

penis inside her vagina, there was blood on her private parts and that time of the incident, his daughter was aged about 7 years old. He further deposed that thereafter, they also came to know that the accused/appellant had also sexually assaulted his younger daughter in the year 2021 by rubbing his penis on her vagina. He further deposed that the victim did not disclose the incident earlier due to fear. However, in the year 2023, when there was an issue between the two families, she disclosed the same to them.

During cross-examination, he clarified that he did not know about the incident earlier since the victim did not tell them about the incident. He further clarified that the accused/appellant is their friend.

10. PW-2, who is the victim, deposed that in the year 2017, when she was around 7 years old, one day after playing games at Zawngtetui field, while she was returning back home, the accused/appellant, who was standing at his door, called her and gave her Rs. 20/- (Rupees Twenty) for buying a packet of instant noodles, and after she bought the same, she went to his house to give him when he suddenly hugged her and told her not to cry out. She further deposed that the accused/appellant also put her on his bed which was on the floor and removed her T-Shirt and started to touch her breast. However, he could not proceed further since his children came inside the house, and he accordingly told her to go from his house. She further deposed that in the next year, i.e. 2018, when she and her friend were coming back home from school, the accused/appellant who

was standing at his *verandah* of his house called her and told her to buy egg by giving her money. She further deposed that when she went to the house of the accused/appellant to give him the egg, which she bought from the money he gave her, he closed the door of his house as soon as she entered inside. She further deposed that thereafter, he forcibly took her to the bedroom where he made her lie down in the bed and he also removed his pants. She further deposed that thereafter he put his saliva on her vagina, and he also put the same on his penis, and thereafter inserted his penis into her vagina. She further deposed that after he inserted his penis inside her vagina, he was sexually playing himself, during which some white fluids were coming out from his penis. She further deposed that the accused/appellant had also kissed her on her lips and on her cheeks while he was playing with himself. She further deposed that while the accused/ appellant inserted his penis into her vagina, she felt great pain, for which she was crying out. But he told her not to say anything to anyone and that if she does, he will kill her. She further deposed that she did not disclose the same to her parents since she was scared; however, in June 2023, when an issue developed with the daughter and son of the accused/appellant, due to which her mother and the wife of the accused/appellant had some quarrel, she disclosed the said incident to her mother.

During cross-examination, she clarified that she was eight years old when the alleged incident took place and that she was studying in Class-III.

11. PW-3 and PW-4 are the seizure witnesses, who witnessed the seizure of the Birth Certificate of the victim, which indicates the date of birth of the victim as 18.05.2011.

12. PW-5, is the Medical Officer, who examined the victim, and in his deposition before the Court he deposed that upon examination of the victim on 03.06.2023, he found her hymen to be ruptured. She accordingly exhibited the Medical Report before the Court.

During cross-examination, she clarified that the rupture of hymen was not recent.

13. PW-7, who is the female Police Officer, who recorded the statement of the victim under Section 161 of the Cr.P.C., deposed that the victim stated as hereunder:-

"In the year 2017 while she was 7 years old one day they had a games playing at Zawngtetui field and on their way back home the accused Apa Dinsanga was standing near to his door and he called her and gave her Rs.20/for buying Mimi. After she bought Mimi she returned to him and gave him mimi and he suddenly hugged her and told her not to cried out. He put her on his bed which was on the floor and he removed her tshirt and started to touch her breast. Before he go further his children who were crying came inside the house and he got up by telling her not to told the incident to anyone and she also got up and left his house. On the next year i.e, 2018 which she do not remembered the

exact date, one afternoon their school had a games playing at Zawngtetui field. She and her friend Dawngi went back home together and the accused who was standing at his varanda called her and told her to buy an egg by giving me Rs.20/-. She went to his house and gave the egg which she bought and as soon as she entered his house the accused closed the door and he forcibly put her inside his bedroom. He then put her on the bed and removed her pants and he also removed his pant. He then put his saliva on her vagina and he also put on his penis and inserted his penis into her vagina. After he inserted his penis inside her vagina and he sexually playing himself in which some white fluids were coming out from his penis. While he playing himself he kissed her on her lips and on her cheek. While he inserted his penis into her vagina she felt very pained which she was crying but he told her not said anything to anyone if she is disclosing the incident to anyone he threatened her by saying that he will kill her. When she reached home she told the incident to her sister O Engi and O Engi checked on her private part and she washed her private part since there was a blood remaining in her vagina. She did not disclose to her parents since she was scared till the year 2023. In the month of June, 2023 they had an issue with the daughter of the accused and also they had a fight with the son of the accused due to which her mother and the wife of the accused had some quarrel and while her mother said the incident to them she disclosed the incident that happened to her."

During cross-examination, she clarified that she recorded the statement of the victim at Child Corner of the jurisdictional Police Station and the victim was accompanied by her mother. She further clarified that she was not wearing her uniform while she was recording the statement of the victim.

14. PW-8 is the Investigating Officer, who investigated the case and recorded the statement of the witnesses and thereafter submitted the Charge-sheet. He further exhibited all the documents.

15. After the closure of the evidence of the prosecution, the accused/appellant adduced the evidence of 2(two) witnesses, i.e, DW-1, who is his wife, and DW-2, who is his sister.

16. DW-1 deposed that her husband, i.e., the accused/appellant is a hard-working man who mostly spend his time at jhum and there is no time for committing the alleged offence and that it is only on Sunday that he used to stay at home.

17. Similarly, **DW-2** deposed that her brother, i.e., the accused/appellant is a hard-working man and it is only on Sunday that he used to stay at home.

18. It appears that the prosecutrix in the instant case is the sole eyewitness to the sexual assault committed upon her by the accused/appellant. In such cases, there is no bar for convicting an accused solely on the basis of the sole testimony of the prosecutrix without seeking corroboration in material particulars. However, the test is whether the testimony of the prosecutrix inspires confidence and is of trustworthy and sterling quality. Keeping in mind the aforesaid principles, upon re-scrutinizing the testimony of the prosecutrix, it appears that the prosecution has given her deposition in the court in a realistic manner. It does not

appear that the prosecutrix has been tutored or that she is making out a false allegation against the accused/appellant. In fact, she clearly and consistently recounted the details of the act of sexual assault committed upon her by the accused/appellant. It further appears that initially, out of fear, she did not disclose the same to her parents, but when there was a quarrel between her mother and the wife of the accused/appellant, she disclosed the same to her parents. It further appears that the accused/appellant had threatened to kill her if she opened her mouth against him. It further appears that the medical report also corroborates her version of the story. There appears to be nothing improbable or unbelievable to doubt the said allegation of sexual assault made by her against the accused/appellant. In fact, the defence has also not shaken her credibility in any manner. This court cannot be unmindful of the fact that sexual offence degrades and humiliates the victim and where the victim is a helpless, innocent child or a minor; it leaves behind the traumatic experience. In fact, it destroys the entire psychology of a child victim and pushes her into deep emotional crisis. It is, therefore, while dealing with cases of sexual crime against child victims, that the courts are expected to deal with such cases with utmost sensitivity, sternness and severity.

In the present case, the accused/appellant is the friend of her parents, who took advantage of the victim's tender age to gratify his own animated passions for sexual pleasures. Such a perpetrator is a menace to society. It is in

the backdrop of the aforesaid that in cases of sexual offence of a child, if the court accepts the version of the victim at its face value, there is no requirement to search for evidence, direct or circumstantial, that would lend assurance to her testimony, and delay in such cases *per se* is also not a mitigating circumstance for the accused. Therefore, delay in lodging the FIR cannot be used as a ritualistic formula for discarding the prosecution case and doubting its authenticity when the testimony of the victim appears to be totally reliable, trustworthy, and credible. In such cases, it only puts the court on guard to search for and consider if any explanation has been offered for the delay. In other words, the test is once an explanation is offered for the delay in lodging the F.I.R, the court is to see whether it is satisfactory or not. Hence, if a satisfactory explanation of the delay is given by the prosecution, such delay is of no consequence.

19. Reference in this regard is made to the decision of the Apex Court in the case of ***State of H.P Vs Shree Kant Shekari***, reported in ***(2004) 8 SCC 153***. Paragraph Nos. 17, 18, 19, 20 & 21 of the aforesaid judgment are reproduced hereunder for ready reference:-

"17. The High Court has also disbelieved the prosecution version for the so-called delay in lodging the FIR. The prosecution has not only explained the reasons but also led cogent evidence to substantiate the stand as to why there was delay. The trial Court in fact analysed the position in great detail and had come to a right conclusion that the reasons for the delay in lodging the FIR have been clearly explained.

18. The unusual circumstances satisfactorily explained the delay in lodging of the first information report. In any event, delay per se is not a mitigating circumstance for the accused when accusations of rape are involved. Delay in lodging first information report cannot be used as a ritualistic formula for discarding prosecution case and doubting its authenticity. It only puts the court on guard to search for and consider if any explanation has been offered for the delay. Once it is offered, the Court is to only see whether it is satisfactory or not. In case if the prosecution fails to satisfactorily explain the delay and there is possibility of embellishment or exaggeration in the prosecution version on account of such delay, it is a relevant factor. On the other hand satisfactory explanation of the delay is weighty enough to reject the plea of false implication or vulnerability of the prosecution case. As the factual scenario shows, the victim was totally unaware of the catastrophe which had befallen her. That being so, the mere delay in lodging of the first information report does not in any way render the prosecution version brittle. These aspects were highlighted in Tulshidas Kanolkar v. State of Goa (2003 (8) SCC 590).

19. The High Court by hypothetical calculations has concluded that there were discrepancies and has come to the presumptuous conclusion on mere surmises and conjectures that there was unexplained delay in lodging the FIR. In view of the above, conclusions of the High Court are not to be sustained.

20. It was also pleaded by the accused before the High Court which seems to have weighed regarding absence of any corroboration to the victim's evidence.

21. It is well settled that a prosecutrix complaining of having been a victim of the offence of rape is not an accomplice after the crime. There is no rule of law that her testimony cannot be acted without corroboration in material particulars. She stands on a higher pedestal than an injured witness. In the latter case, there is injury on the physical form, while in the former it is physical as well as psychological and emotional. However, if the court on facts finds it difficult to accept

the version of the prosecutrix on its face value, it may search for evidence, direct or circumstantial, which would lend assurance to her testimony. Assurance, short of corroboration as understood in the context of an accomplice, would suffice.”

20. In the instant case, it appears that PW-2 has recounted the incident consistently right from the stage of informing her parents till her deposition before the trial Court. The victim has categorically stated that she was afraid of the accused who had threatened her to the extent that he would kill her if she spoke about the incident to anybody. The argument of the learned Amicus Curiae appearing for the accused/appellant to the effect that because of the quarrel between the mother of the victim and the wife of the accused/appellant, she has falsely implicated the accused/appellant is too shallow to be accepted. There is not even a remote possibility of the same being the foundation for false implication, and the accused/appellant has also not taken such a defence at any given stage of the trial. The prosecution has also sufficiently explained the delay in lodging the FIR. There is no reason for the victim to falsely implicate the accused/appellant, which would totally jeopardize her entire future. Therefore, the testimony of the victim is totally trustworthy, and her evidence is to be believed. The offence under which the accused/appellant is convicted being Section 6 of the POCSO Act, 2012, apt to refer to Section 3, which defines penetrative sexual assault, and Section 5, which defines aggravated penetrative sexual assault, for which

punishment is prescribed under Section 6 of the POCSO Act, 2012, which reads as hereunder:-

"3. Penetrative sexual assault.—A person is said to commit “penetrative sexual assault” if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

5. Aggravated penetrative sexual assault.—

(a) ..

(b) ..

(c) ..

(d) ..

(e) ..

(f) ..

(g) ..

(h) ..

(i) ..

(j) ..

(k) ..

(l) ..

(m) whoever commits penetrative sexual assault on a child below twelve years; or

(n) ..

(o) ..

(p) ..

(q) ..

(r) ..

(s) ..

(t) ..

(u) .. is said to commit aggravated penetrative sexual assault."

21. Reading the aforesaid provision, it appears that whoever penetrates his penis to any extent into the vagina of a child below 12 years is sufficient enough, amongst others to constitute the offence of aggravated sexual assault.

In the present case, the prosecution has established that the age of the victim girl is below 12 years and that the accused/appellant has penetrated his penis into the vagina of the prosecutrix. Therefore, an offence of aggravated sexual assault under Section 6 of the POCSO Act, 2012, is clearly made out against the accused/appellant.

22. Turning back to the judgment of the trial Court, apt to refer to the relevant paragraphs, which reads as hereunder:-

"11. Discussion, decision and reason thereof:-

(i) Whether the Victim X is a child as per The Protection of Children from Sexual Offences Act, 2012 and whether she is below 12 years of age? As per clause(d) of section 2 of the Protection of Children from Sexual Offences Act, 2012-a "child" means any person below the age of eighteen years. The case I/O seized the alleged birth certificate of the victim which shows that the date of birth of the victim was 18/05/2011. The alleged Birth Certificate is neither objected nor contested by defence. As per the Birth Certificate the victim x was about 7 years on the date of aggravated penetrative sexual assault on her.

Therefore, this point is decided that the victim x is a child and below 12 years of age at the time of incidence of the alleged offence.

(ii) Whether the investigating agency duly followed the provisions of law while conducting investigation of the present case? Pu Lalmangaihkima of Zawngtetui stating that during the year 2018, his daughter Ruthi had been sexually abused by Laldinsanga s/o Lalrinchhana(L) of Zawngtetui at his house(Zawngtetui) by inserting his penis which made her vagina bleed. He also sexually harassed her younger daughter victim x during the year 2021 and thus requested to take necessary action(s). Hence, DUNGT P.S. Case No: 12/22 Dt:2/6/23 u/s 6 POCSO Act, 2012 r/w 376 AB IPC was registered and investigated into. During the course of investigation the case I/O recorded the statement of complainant, accused and 2(two) other Civilian witnesses and also seized the alleged birth certificate of the victim on being produced by the complainant in presence of witnesses. Then he arrested the Accused after preparing arrest memo. He sent the Victim to District Hospital, Champhai for medical examination and to record her statement under escort. Prayer to record the victim's statement was sent to CJM(CPI) and intimation was given to CWC and Special Judge, CPI on 3.6.2023. On 4.6.2023, the Medical report of victim was received which reported that her Hymen is ruptured. The statement recorded by SI Liansangpuui of Champhai PS is received. He also sent the Accused to Medical Officer, Bungzung Primary Health Center for Medical Examination. He sent the victim and the Accused to Chief Judicial Magistrate, Champhai for recording the statement of the victim judicially and also to remand the Accused to Judicial Custody. After investigation was completed the case I/O found well-established a prima-facie case u/s 6 POCSO Act, 2012 r/w 376 AB IPC against the Accused Laldinsanga(32yrs) and hence Chargesheet No:09/2023 dt. 17.07.2023 u/s 6 POCSO Act, 2012 r/w 376 AB IPC was submitted to the court for further necessary action. Hence, this court finds that the police officer duly followed the mandatory provisions of law while conducting investigation. Hence, this point is decided in favour of prosecution.

(iii) Whether the Accused Laldinsanga is liable to be convicted u/s 6 of POCSO Act, 2012? As already stated above the prosecution has examined 7(seven) witnesses and also exhibited whatever materials and documents brought forward before the court and their respective signatures thereon. From the materials, documents and evidences it is clear that the Accused had committed penetrative sexual assault upon the victim. The statement of the victim is corroborated by the evidence of medical doctors and also that the statement of the victim recorded u/s 161 Cr.PC, 164 Cr.PC and in the court are consonance to each one and other. Therefore, it is believed that the statement of the victim is reliable and trustworthy. The statements of two defence witnesses have no any substantive evidence as they deposed what they believed and their opinions only and also that there is no supporting material. Though the family quarrel between the complainant and the Accused has been mentioned but there is no any elaboration about it and it is not necessary to substantiate it. As per the Hon'ble Apex Court in the case of *State of Himachal Pradesh vs Sanjay Kumar @Sunny*, reported in (2017) 2 SCC 51 in paragraph 31 observed as follows. "31. By now it is well settled that the testimony of victim in cases of sexual offences is vital and unless there are compelling reasons, which necessitate looking for corroboration of a statement, the courts should find not difficulty to act on the testimony of the victim of a sexual assault alone to convict the accused. No doubt, her testimony has to inspire confidence. Seeking corroboration to a statement before relying to upon the same as a rule, in such cases, would literally amount to adding insult to injury. The deposition of the prosecutrix has thus to be taken as a whole. Needless to reiterate that the victim of rape is not an accomplice and her evidence can be acted upon without corroboration. She stands at a higher pedestal than injured witness does. If the court finds it difficult to accept her version, it may seek corroboration from some evidence which lends assurance to her version. To insist on corroboration, except in the rarest of the rare cases, it is to equate one who is a victim of the lust of another with an accomplice to a crime and thereby insult womanhood. It would be adding insult to injuring to tell a woman

that her claim of rape will not be believed unless it is corroborated in material particulars, as in the case of an accomplice to a crime. Why should the evidence of the girl or the woman who complains of rape or sexual molestation be viewed with the aid of spectacles fitted with lenses tinged with doubt, disbelieve or suspicion? The plea about lack of corroboration has no substance.” As Stated above the statement of the victim inspires confidence of this court and accordingly found the Accused guilty u/s 6 POCSO Act, 2012 for violation of clause (m) of section 5 of POCSO Act, 2012. The punishment prescribed u/s 6 of POCSO Act, 2012 at the time of incidents of alleged offence (ie,2018) is as follows: whoever commits aggravated penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine. Further it may be mentioned here that the convict Laldinsanga is having another three(3) cases like nature registered against him as: Crl.Trl.No-191/23 u/s 10 POCSO Act, Crl.Trl.No-192/23 u/s 12 POCSO Act, Crl.Trl.No-193/23 u/s 10 POCSO Act.”

23. A perusal of the aforesaid judgment of the trial Court reveals that the trial Court has based its conviction on the sole testimony of the victim, which, in the opinion of this court, is totally trustworthy and of sterling quality. Hence, I am of the unhesitant view that the trial Court has not committed any legal infirmities whatsoever in convicting the accused/appellant by the impugned judgment & order under appeal. That being so, the appeal is bereft of any merit whatsoever. Hence, the criminal appeal fails.

24. It is pertinent that the accused/appellant has also been convicted in three other cases of offences arising out of the POCSO Act, 2012, and in Criminal Appeal No.

23/2024, the accused/appellant has been convicted for committing sexual assault on the victim's younger sister.

25. Before closing the matter, I would like to point out that it has come to the notice of this Court while dealing with criminal matters that there has been a steep rise in offences relating to sexual assault and sexual harassment of children under the POCSO Act, 2012, in the State of Mizoram. It appears that despite stringent punishments prescribed under the POCSO Act, 2012, being enacted to protect children from offences of sexual assault, sexual harassment, among others; children are continuously being sexually exploited and abused. Undoubtedly, child sexual abuse is a grave and serious concern. The situation is thus alarming, and unless it is appropriately and adequately addressed, the best interest and well-being of the child shall remain endangered, and in jeopardy. Apropos that, under the Constitution of India, it is the obligation of the state to protect children. I cannot also be unmindful of the fact that children due to their tender age are often vulnerable to sexual predation. Younger children are even incapable of distinguishing between safe and unsafe touches. I am thus of the firm view that it is imperative that all stakeholders including child protection stakeholders, functionaries, and educational institutions, take proactive and stringent measures to safeguard children from the menace of sexual violence and exploitation, which could amongst others, include: -

(i) **Robust Child Protection Policy:** Every school, whether government or private, can formulate and implement a comprehensive Child Protection Policy, which may also include SOPs on addressing cases of child sexual abuse.

(ii) **Regular Trainings:** All schools can organize regular trainings on child protection and prevention of child sexual abuse for staff, parents, and students, to create awareness and equip them with the necessary skills to prevent and respond to such cases.

(iii) **Child Protection in Curriculum:** Education Department may take measures to incorporate child protection as a part of school curriculums to empower children with age-appropriate information and knowledge on their rights and protection.

(iv) **Awareness Sessions:** Child protection stakeholders, including State Commissions for the Protection of Child Rights (SCPCR), Child Welfare Committees (CWC), District Child Protection Units (DCPU), Special Juvenile Police Units (SJPU), and State and District Legal Services Authorities (SLSA/DLSA), can conduct regular awareness sessions on child sexual abuse and the POCSO Act in schools and communities. Technical assistance may be sought from credible NGOs working on child rights and child protection to achieve desired outcomes. Information, Education and Communication (IEC) materials in local languages could be circulated and published widely in schools and communities

through social workers, Gram Panchayats/Village Council (VC), Anganwadi workers, Shiksha Karmis, Accredited Social Health Activist (ASHA) workers among others, to generate awareness at scale.

(v) **Media Awareness:** Media organizations may attempt to feature regular talk shows and short films generating awareness on child sexual abuse, to educate the public and promote prevention.

26. I am hopeful that if such an initiative is undertaken with utmost sincerity and commitment, it would effectively shield every child from the scourge of child sexual abuse. Therefore, given the gravity of the issue, it can only be expected that all stakeholders work collectively to take effective measures to protect children from the threat of child sexual abuse. Let a copy of this judgment & order be furnished to the Chief Secretary to the Government of Mizoram, to look into the matter and to take necessary steps for the protection of children from sexual abuse and exploitation.

27. This Court appreciates the service rendered by Mr. H. Zodinsanga, learned Amicus Curiae and his fee is fixed at Rs. 7,500/- (rupees seven thousand five hundred) only, and the service rendered by Mr. Jordan Rohmingthanga, Legal Aid Counsel and his requisite fee is to be paid by the State Legal Services Authority as per existing rates.

28. Accordingly, the criminal appeal stands dismissed and is disposed of.

JUDGE

Comparing Assistant