

**In the Court of District & Additional Sessions Judge-I cum P.O. of Children Court,
Begusarai**

J.J.C.P Case No. -01 /2024

State of Bihar Vrs. C.I.C.L

FORM A

Present : **Sanjay Kumar-III
District & Additional Sessions Judge-I cum P.O
of Children Court, Begusarai**

Date of Judgment : 04.06.2026

Case No. : J.J.C.P Case No.- 1/2024
(C.I.S. No.- 1/2024)
G.R.No.- 3325/2023
S.Kamal P.S. Case No.- 237/2023

(Details of FIR/Crime and Police-station)

Prosecution (Informant)	State of Bihar (through victim girl Kumari @ victim girl,). Nasim Akhtar Ansari, Advocate (Informant).
Represented by	1. Sri Din Diwakar Sharan, Ld. Spl. P.P. 2. Sri Balmiki Mahto, Ld. Spl. P.P.
Accused	1. CICL 'X' s/o-Nagina Pd. Soni, aged about 20years R/o-at Fatehpur, P.S-S.Kamal, Dist.-BegusaraiCICL
Represented by	1. Sri. Raghuvansh Kumar Singh, Ld. Advocate.

FORM B

Date of offence	05.01.2022 to 18.08.2023
Date of FIR	03.09.2023
Date of Chargesheet	20.10.2023
Date of commencement of evidence	17.05.2024
Date on which judgment is reserved	
Date of the Judgment	04.06.2026
Date of the Sentencing order, if any	

FORM C

List of prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of Evidence
P.W-1.	Shalini Devi	Witness.
P.W-2.	Shivam Kumar	Witness.
P.W-3.	Toofan Rajak	Witness.
P.W-4.	Victim	Victim
P.W-5.	Baikunt Paswan	Investigating Officer
P.W.-6.	Doctor Divya Gupta	Medical Officer

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P.W.-7.	Doctor Brajesh Kumar	Medical Officer
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B. Defence witnesses, if any:-

Rank	Name	Nature of Evidence
Nil		

C. Court witnesses, if any:

Rank	Name	Nature of Evidence
Nil		

FORM D

List of prosecution/Defence/Court Exhibits

A. Prosecution

Sl. No.	Exhibit Number	Description
	Exhibit-P-1/PW-4	Signature of Victim upon Nalsi
	Exhibit-P-2/PW-5	Charge-sheet
	Exhibit-P-3/PW-6	Medical Report
	Exhibit-P-3/1-.P.W-7	Signature of witness over medical report

B. Defence Exhibits:-

Sl. No.	Exhibit Number	Description
Nil		

C. Court Exhibits:-

Sl. No.	Exhibit Number	Description
Nil		

D. Material Objects:

Sl. No.	Exhibit Number	Description
Nil		

J U D G M E N T

Date of Judgment: 04.06.2026

01. The above named CICL 'X' (Name withheld) stands charged for committing rape of a minor girl "V" (Name withheld) on several occasions with common intention by will-fully causing hurt, insult to the modesty of victim and sexual assault, thus, the charge under Sections-376, 323, 341, 504, 509 of IPC & 08 of POCSO Act.

02. The prosecution story which initiated on complaint petition and registered u/s-156(3) of Cr.P.C. in brief is that on 28.04.2023 at about 04:00 p.m the informant's

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father works in Kolkata and informant/victim resides at her home with her mother. C.I.C.L 'X', runs a gold-silver jewellery shop near the informant's house. Taking advantage of the informant being a minor, he developed acquaintance with her. He gave her a mobile phone and induced her into a love affair through the said mobile. On the false pretext of marriage, C.I.C.L 'X' established physical relations with the informant/victim multiple times at her house and at his shop. He also recorded obscene videos/photos of her in nude condition on mobile and threatened to circulate them if she disclosed the matter to anyone. On 22.03.2023, C.I.C.L 'X', on the false promise of marriage, took the informant to Himachal Pradesh against her will, there he assaulted her and repeatedly established physical relations. When the informant resisted, he took her to Begusarai. During this period, the informant's parents searched for her. On 28.04.2023, a social panchayat was held at the informant's home and police station. Accused persons Nagina Soni, Pinki Devi and Ravi Soni admitted the wrongdoing of C.I.C.L 'X' and assured that both would be married after the informant turned 18 years of age. Subsequently, C.I.C.L 'X' refused to marry. On 15.08.2023, the informant along with her mother and witnesses went to the house of the accused persons where Nagina Soni, Pinki Devi and Ravi Soni C.I.C.L 'X' totally denied the marriage and stated that C.I.C.L would not marry her and used abusive language. They assaulted them, threatened them with dire consequences, and drove them away.

On the basis of this complaint petition, FIR was lodged in S.Kamal P.S. Case No.- 237/2023 under Sections 341, 323, 376, 504, 509 by 34 of the IPC instituted and police after investigation submitted charge-sheet against C.I.C.L only and not sent up the other co-accused under sections 341, 323, 376, 504, 509 by 34 of the IPC & 08 of POCSO Act. After cognizance the Learned A.C.J.M-IV, committed this case to the Court of Spl. Judge (Pocso Act). The learned Spl. Judge found the age of C.I.C.L as 16 years, 05 months and 08 days. So far further proceeding the record was sent to the J.J.B, Begusarai. The Board on 16.01.2024 was of the view that assessing the material facts u/s 18(3) of the J.J. Act that considering mental, physical condition and ability of C.I.C.L to understand the implication of the offence and situation, it would be prudent that the C.I.C.L be tried by the children Court. Thereafter the record was transferred to this court for trial and disposal. The On 05.03.2024 charges were framed and summons were issued for the prosecution evidence. On behalf of prosecution altogether seven witnesses were examined in this case.

At this time, the Ld. Defense counsel has submitted that none of the witnesses examined have supported the case of the prosecution and the prosecution has not produced any cogent evidence against C.I.C.L 'X' to prove the guilt in this case. The Ld.

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Spl. P.P. has submitted that there are sufficient materials available on record and the C.I.C.L 'X' may be convicted. On such submission, prosecution evidence was closed and statement of C.I.C.L 'X' was recorded under Section 313 of the Cr.P.C to which he denied the evidences and claimed his innocence. Now, he also desired to close his evidences (defense).

3. Now, it is to be judged as to whether prosecution has able to prove it's case beyond all reasonable doubts or not?

Findings.

4. As stated above on behalf of prosecution altogether seven witnesses were examined including the informant. No documentary evidence was brought on record by the prosecution. Now, this court minutely scrutinizes the evidences of the prosecution.

Documentary Evidences-Exhibits.

Rank	Name	Nature of Evidence
P.W-1.	Shalini Devi	Witness (Mother of the victim)
P.W-2.	Shivam Kumar	Witness (Independent witness)
P.W-3.	Toofan Rajak	Witness.(Independent witness)
P.W-4.	Victim	Victim
P.W-5.	Baikunt Paswan	Investigating Officer
P.W.-6.	Doctor Divya Gupta	Medical Officer
P.W.-7.	Doctor Brajesh Kumar	Medical Officer

Now the Court analysis the deposition of the witnesses.

5. P.W.-01 is Shalini Devi (mother of informant of this case), has stated in her examination in chief that the occurrence took place about one and a half year ago and her daughter had told her around 4-5 PM that she was going to her friend's house. She stated that when her daughter did not return by 10-11 PM, she informed the police station. She stated that she had called all her relatives who informed her that the girl had not come to their places. She further stated that on 28.04.2023, she received a phone call from the police station informing her that her daughter had come with C.I.C.L 'X'. She stated that she questioned why they should take the girl back when she was with the person she had gone with. She deposed that the Sarpanch/Mukhiya called them to the police station where C.I.C.L 'X' parents were also present. She further stated that the Mukhiya told them that since their son had kept the girl for one month, they should take her after marriage. She deposed that C.I.C.L 'X's father stated that the girl had not completed 18 years of age, so a written agreement was prepared there to the effect that marriage would be performed when the girl turned 18 years of age, after which they

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brought the girl home. She further deposed that when the girl completed 18 years of age, they went to CICAL 'X's father, who refused to perform the marriage and threatened the girl. Informant's daughter informed her that CICAL 'X' had taken her to Himachal Pradesh where his maternal grandmother was also present. She deposed that CICAL 'X's elder brother used to visit them there and his father used to send money for food. She also stated that her daughter disclosed to her that CICAL 'X' had been committing sexually assault with her and also assaulted her at his house when no one was present there. She deposed that as the police did not take action, her daughter filed a case in the court. She recognizes to CICAL 'X' who is present in the Court.

In cross-Examination, she stated that her house and CICAL 'X's house were situated at some distance and there is no enmity with CICAL 'X's family. She further deposed that she never talked to CICAL 'X' nor did she have his phone number. She deposed that she was not aware of any money transfer from her mobile to CICAL 'X's mobile. She stated that she had neither sent money nor did she know how to send money. Further deposed that her daughter had left the house on 22.03.2023 and she had not called her daughter nor had she made any calls to anyone else. She stated that on the same day her daughter left, she had gone to the police station. Further deposed that she did not remember whether any written complaint was given to the S.P. or not. She had not received any phone call from the time her daughter went missing till the time she reached the police station. She stated that her daughter had never gone to anywhere before this incident. She deposed that her daughter obeys her and is presently under her guardianship. She has stated that it is incorrect to say that her daughter had gone with CICAL 'X' on her instructions and she had no knowledge of sending any money to CICAL 'X'. She denied for sending Rs. 300, then Rs. 3000, and again Rs. 300 to CICAL 'X's mobile on 22.03.2023. Further denied the suggestion that she had filed a false case to pressurize CICAL 'X' for marriage with her daughter. She also denied that the incident as alleged had not taken place.

From the analysis of the evidence of this witness who is mother of victim girl, this Court finds that she has narrated the taking away of her daughter by CICAL 'X', of Panchayati in which it was held that when the girl and the boy will attain the age of marriage, the marriage will be solemnized, commissioning of rape upon the victim girl and other facts. She was cross-examined at length but defence has not able to find any contradiction or omission from her evidence. Defence has also tried to extract that both the sides were well known to each other and there were chances that due to their poor economical background, the CICAL 'X' and his family members were implicated to get the marriage solemnize in other way. This witness has also denied the suggestion that it

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was she (this witness) who has consented her daughter to go along with CICL 'X' and she used to send money to her daughter and she was very much well aware of her about. For this, this Court is of the view that this witness has remained in support of the prosecution case that the CICL 'X' has lured the victim girl, committed rape upon her on pretext of false promise of marriage and also took her to some other place. She has not tried to hide that she has not seen any of the occurrence from her own eyes. So this Court finds her statement in total support of the prosecution case.

6. P.W. 2 is Shivam Kumar who has stated in his examination in-chief that the occurrence took place about 1.25 years ago at about 4 p.m, at that time he was at the shop of his elder brother, then victim girl's mother came to his shop and informed him that victim girl had gone to somewhere around 4 PM but she had not returned. Further stated that they searched her till 10 PM but could not find her and on next morning at 10 a.m they went to the police station and filed an application. He further stated that on 28.04.2023, a call came from police station to her mother, after that they reached there where victim girl told that she and CICL 'X' had been talking for 1-2 years and CICL 'X' had used to rape her. Thereafter he had taken her to Himachal Pradesh where he kept her and also committed wrongful acts and beaten her. Further stated that CICL 'X's sister Soni and grandmother also resided there and CICL 'X's father used to send money. Further stated that on that day a panchayat was held in the police station and decided that since the children had made a mistake, they should be married. CICL 'X's father had agreed and signed that he would solemnize the marriage when the girl turned 18 years but when victim girl turned 18 years, her mother went to CICL 'X's house but they refused to marry, abused them and drove them away. He recognizes to CICL 'X' who is present in the court.

In cross-examination, he deposed that he has not seen the occurrence with his own eyes and he known to Sanjeet Sah for 7-8 years, who is his neighbour and resides in Kolkata. He stated that he had no conversation with victim girl or her mother. He stated that he came to know about the victim that victim girl had gone to Himachal Pradesh when victim girl. He deposed that he was not aware that who used to visit victim girl. He stated that the panchayat was convened with mutual consent and the SHO was also present. He stated that he has no knowledge whether victim girl talked to her mother from Himachal Pradesh or whether her mother had sent money to CICL 'X'. He denied the suggestion that since he had good relationship with victim girl's father was giving false evidence. He denied that no panchayat was held and that victim girl was not eloped with CICL 'X' but with some other boy. He also denied that there was no talk of marriage or that victim girl had no relation with CICL 'X' and the allegation

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of elopement was completely false.

On analysis of the evidence of this witness, this court is of the view that he is the known to victim girl and he was involved in search of the victim when victim gone missing. In fact he has also stated that even before the police he has not shown their knowledge with regard to the name of persons who have taken away the victim girl. He has not only supported the prosecution case in his examination in chief but in cross-examination itself he has given description of the incident to which defence has not able to find any contradiction in part of the cross examination. He has also supported the factum of panchayati at police station. Analysing the evidence of this witness, this court is of the view that defence has not able to find any contradiction or exaggeration from the evidence of this witness. So the evidence of this witness is found in support of the prosecution case.

7. P.W. 3 is Toofan Rajak has stated in his examination in-chief that he was called to Sahebpur Kamal Police Station on 28.04.2023 and a talk was facilitated between Sunil Sah's daughter victim girl Kumari and Nagina Soni's son CICL 'X'. He stated that one and half months prior to that, both had gone to Himachal Pradesh and had returned to the police station from there and the marriage of both was proposed after completion of three months, but the marriage did not take place. He stated that when the girl's mother went to the boy's house after three months, CICL 'X's family members abused her. Further stated that they had lodged a sanha at the police station he was directed by the police to apprehend the main person so that talks could be held. He stated that they asked Zila Parishad member Santosh Kumar to intervene, who went to Nagina Soni's shop but he did not agree. Thereafter, they told the brother's family to proceed further. He recognizes to CICL 'X' who is present in the court.

In cross-examination, he deposed that his house was half a kilo meter away from Shalini Devi's house and he did not frequently visit her. He deposed that he had talked to Shalini Devi for the first time regarding this case at the police station. He stated that Shalini Devi told him that the boy and girl had come to the police station and asked him to come. He did not remember the time he reached the police station but stated that he remained there for about two and half hours. He deposed that during that time Lalita Mukhiya, Md. Nasil Mukhiya, the SHO and Chandan had came there. He stated that he had talked to the victim at the police station. He further stated that he had also talked to the girl one and half years prior to that, but no talk related to the incident had taken place then. He stated that the girl was narrated the incident to him at the police station and he had stated only what she told him. Further deposed that her statement was recorded by the SHO earlier and her signature was taken on the diary. He deposed that

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he knew who used to visit victim girl and stated that Shivam used to come and the girl's father was in Kolkata at the time of alleged incident. He further stated that the girl had gone to Kolkata to appear for her matric examination along with her mother and from there she went away with the boy. He stated that he had no knowledge whether the girl's mother had lodged any complaint in Kolkata when the girl went away from there. He denied the suggestion that he was deposing falsely under the influence of Shalini Devi, that no panchayat had taken place, and that the girl's mother had filed a false case by fraud so that she could marry the girl to CICL 'X'. He also denied that no such incident as stated by him had occurred.

On analysis of the evidence of this witness, this court is of the view that he is a acquainted person to the informant who had gone to police station when the victim girl was recovered. He has narrated all the incident with regard to taking away of the victim girl by the CICL 'X', a panchayati in which it was negotiated that marriage would be solemnized when the victim and the CICL would attained the age of majority. However in cross-examined he has stated that the victim girl was taken away to Himachal Pradesh from Kolkata. Further from perusal of entire analysis of evidence, this court is of the view that in examination in chief he has admitted that he was came into the picture only when he came to the police station when victim girl was recovered, so his knowledge about the taking away of the victim girl is not going to dent the prosecution case. This contradiction is due to his natural knowledge of the incident which has already taken place before coming into the picture. He came to know about the incident only after the recovery of the victim when she was at the police station. He has supported the factum of Panchayat/Negotiation at the police station. To this extent, this Court is of the view that he is very natural witness who has supported the prosecution case after the recovery of the victim girl and his presence at panchayati. His evidence is accepted by this court to the extent.

8. P.W. 4 is Victim girl of this case, who has stated in her examination in chief that she had filed the complaint in the Court and she identified her signature on the complaint which is marked as Exhibit-P1/CW4. She further stated that her father works in Kolkata and she resides with her mother at Panchveer and CICL 'X', who runs a gold-silver shop near her house, started conversation with him. She further stated that CICL 'X' was given her a mobile phone and they used to talk on that mobile. She stated that her father was a paralysis patient. Further stated that CICL 'X' told her that if she married him, he would keep her like a queen as her father was ill and he committed the offence with her when no one was at home and also at his shop and took her photograph and threatened to circulate it if she disclosed anything to anyone. She further stated that

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she for the first time met with CICAL 'X' on 05.01.2022. Thereafter, on the promise of marriage, CICAL 'X' took her to Himachal Pradesh, where he kept her in a rented room and his maternal grandmother was also present there and his brother Ravi Soni used to visit occasionally. She also stated that CICAL 'X' performed certain marital rituals with her in that room and despite her protest, he established physical relations with her repeatedly. She stated that she was treated like his wife and when she protested, he assaulted her. She further stated that CICAL 'X's parents used to send money for their expenses and she used to talk to CICAL 'X's mother daily. When she started crying loudly, he brought her back and left her at her village. She stated that on 22.03.2023 he took her to Himachal Pradesh again and dropped her back at Pachveer on 28.04.2023. Thereafter, she told the entire facts to her parents and a Panchayati was held and CICAL 'X's parents agreed that marriage would be solemnized when the girl attained the age of 18 years and after attaining of her age 18 years her parents along with others went to the house of CICAL 'X', but his father refused the marriage, abused and pushed her mother away. She stated that her mother went to the police station on the same day but the case was not registered at the police station. Thereafter, in August or September 2023, she filed the case in Court. She further stated that CICAL 'X' belongs to the neighbouring village and there was no fear or pressure upon her from any side and she was giving her statement voluntarily and her parents also did not exert any pressure upon her.

In cross-examination, she deposed that her father was doing private job in Kolkata and she resided in Kolkata till 2019 and thereafter came to Bihar. Further stated that she did not study there and lived in Metiabruz locality, Kolkata. Further stated that she had not gone to Himachal Pradesh from Kolkata but from Panchveer. She admitted that she had not informed her parents before going to Himachal Pradesh and they had no information about it and she had a mobile phone since CICAL 'X' gave it to her and her parents had no knowledge about the mobile and her parents never used that mobile. She further stated that she was taken from the police station to Sadar Hospital, Begusarai where her medical examination was conducted. She stated that they liked each other and wanted to marry but her parents had no knowledge about this relationship. Further stated that she could not tell the name of the landlord, his number, the name of the locality or the names of neighbours of the house where she along with CICAL 'X' in Himachal Pradesh. She denied the suggestion that her parents had hatched a conspiracy to implicate CICAL 'X' for money and when his parents did not agree to marriage because CICAL 'X' was underage, a false case was filed to pressurize him for marriage. She also denied that the allegations levelled by her were baseless and false and that CICAL 'X' was innocent.

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On analysis of the evidence of this witness, this court finds that after going through the chief examination and detailed cross-examination by the defence this court is of the view, even in the cross-examination at para 13 victim has frankly admitted that she was not taken away to Himachal Pradesh from Kolkata and his absence was not known to her parents. She has also replied in para 14 that the mobile phone was given to her by CICAL 'X' and the same is still with her. Her parents never used that mobile phone. Even after the entire analysis of cross-examination of this witness, this Court is of the view that the defence has not able to extract any contradiction that the victim girl was not taken to Himachal Pradesh or was not sexually assaulted against her consent by the CICAL 'X'. No question with regard to the sexual assault or Panchayat was asked by the defence, so her statement in chief examination remained intact and for this, this court is of the view that this witness has remained uncontradicted with regard to that the allegation for this her evidence is accepted in support of the prosecution.

9. P.W. 5 is Investigating Officer of this case, who has stated in his examination in chief that on 03.09.2023 he was posted as S.I. at S.Kamal P.S. and taken the charge of investigation of this case. Further stated that he mentioned the informant's application in the case diary and also recorded the re-statement of the informant and statements of witnesses namely, Shalini Devi, Shivam Kumar and Toofan Rajak. He entered the Panchnama prepared by the Panchas in the case diary and also recorded the statement of the victim and inspected the place of occurrence. The place of occurrence is the victim's house at village Pachveer from where she was allegedly enticed away on the pretext of marriage. He described the boundaries of the place of occurrence. He got the victim's statement recorded u/s 164 Cr.P.C. before the Court and also got her medical examination conducted. He obtained the victim's birth certificate, as per which her date of birth was found to be 03.05.2005. After completion of investigation, he submitted Charge Sheet No. 266/23 dated 06.10.2023 against CICAL 'X' u/s 341, 323, 376, 504, 509 IPC and Section 08 of POCSO Act. The charge sheet has written in his hand writing and signature which is marked as Exhibit No. P2/PW05.

In cross-examination, he deposed that he has not mentioned in the case diary as to who identified the place of occurrence and not recorded statements of persons residing at the boundaries. He did not investigate whether CICAL 'X' had a gold-silver shop or not and he also did not record the statement of the victim's father. He did not mention in the case diary as to who provided the certificate regarding the victim's date of birth. He did not visit Himachal Pradesh during investigation where the victim was allegedly kept. He stated that no one gave him the Panchnama, he was only told about it. He did not record statements of the Panchas whose names were mentioned. He

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perused the medical examination report in which the age of the victim was found to be 19-20 years. Further stated that witnesses Shivam Kumar and Toofan Rajak do not belong to the victim's village. He tried to record the statement of independent witnesses during investigation but could not find anyone so he did not record statement of Mukhiya/Sarpanch. He denied the suggestion that he had conducted faulty investigation.

On perusal of the evidence of this witness, this Court finds and mentions in the very outset that the I.O is in a very casual and in a perfunctory manner has investigated this case in which one of the most serious offences attract in the I.P.C. He has neither visited the place of occurrences i.e. either in Himachal Pradesh or in the shop of CICL 'X'. He has not mentioned that whether the CICL 'X' has a jewellery shop who he has given a detailed of the panchayati in part of Panchayatnama but in his cross-examination he has investigated that he did not receive the Panchayatnama and consequently brought it before the Court. Even though, considering the lackluster investigation. This Court finds that some panchayati was conducted at the Thana and have recorded the statements of Shalini Devi, Shivam Kumar and Tufan Rajak. Since there is no contradiction with regard to holding of panchayati, statement of Shivam Kumar and Tufan Rajak, this Court finds that the I.O has found the incident true as alleged by the informant.

10. P.W. 6 Divya Gupta (Medical Officer) of this case has stated in her examination in chief that on 08.09.2023 she was posted as Dental Surgeon at Sadar Hospital, Begusarai and she was a member of the Medical Board constituted by the Superintendent along with Dr. Brajesh Kumar, Dr. Mehar Sultana and Dr. Raju for the medical examination of victim. She examined at 01:10 p.m on 08.09.2023 at Sadar Hospital, Begusarai and found the following dental details:-

7654321/1234567

7654321/1234567

total number of teeth clinically present were 28. As per X-ray of mandible left and right lateral oblique view- 3rd molar was formed but not fully erupted on both sides of the mandible. Further stated that on the basis of radiological and dental findings, the age of victim was assessed to be between 19-20 years. She stated that the computerized medical report was prepared under her direction and the direction of other board members and it bears her signature and she identified her signature on the report. The whole medical report is marked as Exhibit No.P3/PW6.

In cross-examination, she deposed that that the age of the victim was found to be 19-20 years.

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11. P.W. 7 Brajesh Kumar is (Medical Officer of this case) has stated in his examination in chief that on 08.09.2023 he was posted as Medical Officer at Sadar Hospital, Begusarai and she was a member of the Medical Board constituted by the Superintendent of Sadar Hospital, Begusarai for the medical examination of victim. He examined at 01:10 p.m on 08.09.2023 at Sadar Hospital, Begusarai and found the following:-

The report states that the victim was found well oriented to time, place and person. Her secondary sex characters were developed. The age of menarche was 15 years and her LMP was 12.08.2023. No menstrual complain was noted and she had no other complaint at present. As per the information given by the patient, it is recorded that she was in a relationship since 1 year. As regards to External Findings, The report states that no injuries were found over the front and back of the body and as regard to Internal Findings. It is mentioned that no injury was found over genitalia and no sign of forced coitus was seen. All external genitalia were found healthy. The hymen was ruptured. Vaginal swab was taken and sent to pathology for presence of spermatozoa. Investigations: X-ray of Rt. Wrist-AP view, Rt. Knee AP view, Pelvis-AP view, and Mandibles Lt. & Rt. Oblique were conducted. The pregnancy test was negative and USG showed uterus of normal size. In the vaginal swab examination, spermatozoa were not found. Dental & Radiological Findings: It is stated that total 28 teeth were clinically present.

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X-ray findings revealed that the epiphysis of the lower end of radius & ulna was fused, epiphysis of the lower end of femur and upper end of tibia & fibula was fused, and epiphysis of the iliac crest was fused. X-ray mandible showed that the 3rd molar was formed but not fully erupted on both sides. On the basis of radiological and dental findings, the Board opined that the age of victim girl was between 19-20 years. Final Opinion: The Medical Board opined that no evidence of recent sexual assault was found in the victim. This medical report is computerized bears his signature and prepared under his direction and members of Board and he identified his signature which is marked as Exhibit No.P3/PW7.

In cross-examination, he deposed that the age of the victim was found to be 19-20 years at the time medical checkup.

On joint perusal of the evidence of P.W 6 Doctor Divya Gupta and P.W. 7 Brajesh Kumar, this court finds that the dental surgeon had assessed the age of the victim girl is (19-20 years old) (Exhibit-P3/P6). Or Brajesh Kumar has found from the

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external findings that there were no external injuries over the front and back of the body likewise the doctor has not found spermatozoa from the vaginal swab but the hymen was ruptured. The Medical Board has found no evidence of recent sexual assault Exhibit (Exhibit-P3/PW7). Both the doctors in their respective depositions have bracketed the age of the victim 19-20 years old. The evidences of the doctors would also be considered and further analyses.

12. The learned defence counsel has submitted that the CICL 'X' is innocent and in his teens and he has a bright future ahead. After his father, he has to look into his family. He was taken into judicial custody since 12.09.2023. The fact is that the victim girl being economically not sound and taking advantage of the innocence of this CICL 'X' lured him and later on implicated in this false and fabricated case. In its statement u/s-313 of Cr.PC of CICL 'X' has totally denied such allegation. One of the witness has stated that the victim girl was taken away to Himachal Pradesh from Kolkata. However, this fact is denied by the victim girl herself in her evidence. The photographs as claimed by the prosecution was not produced before the Court, no telephonic conversation or CDR were produced. It's also submitted that the claim of the prosecution that victim was taken away to Himachal Pradesh is also falsified for the fact that victim (PW-4) failed to give any description of Himachal Pradesh where she was kept. Even the doctor has not found any sign of injury over front or back. There was no spermatozoa and genitalia was healthy. The fact is that on the family pressure, the victim girl adduced evidence against CICL 'X'. Learned counsel has also submitted that except the victim girl P.W 4 none of the independent witnesses have seen the occurrence from their own eyes. Considering the circumstances of the case, the court would find innocence of the CICL 'X' and not convict on the solitary testimony of the single witness.

13. On the other hand, learned counsel for the prosecution along with learned counsel for informant have submitted that in this case altogether seven witnesses were examined and all of them have supported the case of prosecution and defence has not able to find any contradiction or omission from the evidence of the witnesses. The doctors and I.O have supported the case of the prosecution. So the accused be held guilty.

14. Heard and considered the submissions of the parties. Before going deep into the analysis of the evidence, this Court finds that in this case P.W. 1 is mother of victim girl whereas P.W. 2 Shivam Kmar and P.W. 3 Tufan Rajak are the independent witnesses whereas P.W. 4 herself is the victim rest are the official witnesses. From the various judicial pronouncement and day to day experience of our society it is experienced that some of the offences particularly sexual offences are always committed behind the

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close doors. The offender of sexual offences commit the same in seclusion where it is almost impossible to obtain an eye witnesses to such crime. It is the victim or prosecutrix, is the best witness to the same offence. This shows that victim is the best may be, the sole witness to such crimes. In this regard, the Hon'ble Apex Court and various Hon'ble Courts have laid down certain principles to ascertain and consider such offence.

In State of Punjab Vrs. Gurmit Singh 2005 (Hon'ble Supreme Court cases 594) that in cases involving sexual harassment molestation etc. the court is duty-bound to deal with such cases with utmost sensitivity. Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case.

In **State of Maharashta Vrs. Chandraprakash Kewalchand Jain in 1990 SCC (Criminal) 210**, The Hon'b'ble Supreme Court has held that a woman, who is the victim of sexual assault, is not an accomplice to the crime but is a victim of another person's lust and, therefore, her evidence need not be tested with the same amount of suspicion as that of an accomplice. The evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence.

In **2020 (1) Sec (Cri.) 346, (Supreme Court Case), the Hon'ble Apex Court** has held that when prosecutrix fully supports the case of prosecution and was consistent right from very beginning, there is no reason to doubt credibility and or the trustworthiness of the prosecutrix. Even after thorough cross-examination, she stood by what she stated and fully supported the prosecution case. In such circumstances, the Hon'ble Supreme Court has held that without any further corroboration, conviction of C.I.C.L upon the sole testimony of prosecutrix can be sustained. Taking into consideration the directions of the Hon'ble Supreme Court, this Court finds that it is well established legal principle that the Court must ignore minor contradiction or omission or insignificant discrepancies in the evidence of prosecutrix, which are not fatal to the prosecution case.

From above pronouncement, this Court finds that even from the whole testimony of witnesses, this Court could come to a definite conclusion which proves the prosecution case beyond all reasonable doubt against C.I.C.L. In the present case, P.W. 1 Shalini Devi who is the mother has stated in her deposition as P.W. 1, that on the faithful date i.e. 22.03.2023 her daughter has gone from the house at about 4-5 O'clock in the evening to her friend but she did not return till 10-11 O'Clock in the night, she

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becomes suspicious and started searching at her relatives house but victim was not found. Again on 28.04.2023 police informed that victim has come with CICAL 'X', after panchayati both the parties pleased to solemnize the marriage. She has also supported the prosecution case in totto. Though prosecution has asked in para 3 of the cross-examination that she was aware of where about of her daughter and intentionally ignored and indirectly help the victim girl to remain with the CICAL 'X', to which she has denied the same. She has also denied that she has ever transfer any money to her daughter.

This court also finds from the evidence of P.W. 2 Shivam Kumar who is acquainted person has also participated in search, joined her family at the police station. He came to know that the victim girl was subjected to sexual assault of rape, not only at her home, in the shop of CICAL 'X' and at Himachal Pradesh. This witness has frankly admitted that he has not seen the alleged occurrence from his own eyes. In para 5 of his cross-examination he has admittedly affirmed the holding of Panchayati in cordial manner and agreement thereafter to solemnize the marriage. He has also denied the suggestion that the victim girl was not eloped by the CICAL 'X' but with some other person. He has also denied that it is not a fact that marriage was not solemnized between the two persons.

From the evidence of P.W. 3 Tufan Rajak is also independent witness, this Court has found that he came in this case after recovery of the victim and the CICAL 'X'. According to him, when he was called by the S.Kamal Police station on 28.04.2023, he came to know about the such incident and thereafter holding of Panchayati. According to him, a paper was prepared at the police station itself in which it was a breach that when the victim girl attain the age of major after 3 days and the CICAL 'X' after 3 months, their marriage would be solemnized but no such marriage was solemnized. The defence has tried to check the truthness of his deposition in which he has declined that he talked about such incident for the first time in the police station where he stayed for two and half hour. According to him, at that time Lalita Mukhiya, Md. Nasil Mukhiya, SHO and Chandan O.D were present. The defence has pointed out the contradiction from the statement of this witness and the prosecution case. According to defence, this witness has stated that the victim girl was eloped from Kolkata and taken to Himachal Pradesh whereas the fact is that the victim girl was alleged to be taken away from her house at Pachveer to Himachal Pradesh. On this point, this Court is of the view that this witness has frankly stated that he came to know about the incident only after the victim girl was recovered and brought to the police station, so any omission with regard to taking away of the victim girl either from Kolkata or her residence is a little omission

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and not fatal to the prosecution case. Particularly, when it has come before the court that he came in picture in this case only when the girl was recovered and he was called to the police station. This witness has supported uncontrovertedly regarding the holding of Panchayati at the police station and agreement with regard to solemnization of marriage and the incident of rape which was narrated to him by the victim or her mother.

From the joint reading of evidence of P.W-2 and P.W-3 this court finds that being an independent witness they have deposed only such facts which were known or seen by them. In beginning itself P.W.-3 has made it clear that he was called to the police station and there itself he came to know about the incident. So his knowledge about before 28-04-2023 is not crucial. At the same time this Court finds P.W-1, P.W-2 and P.W-3 all have supported the factum of Panchayat as settlement for marriage. Even the I.O (P.W-5) has mentioned the holding of Panchayati.

From perusal of the evidence of the victim girl, this Court has found that she has filed a complaint petition which was later on converted into the FIR, Exhibit-P1/P.W4 in which she has narrated her friendship with C.I.C.L 'X', giving of mobile phone exchange of talk between them, establishment of sexual relationship, her taking away to the Himachal Pradesh and sexual at that places. She has also given description of the Panchayati held. She has also narrated that initially police has not taken her complaint. Later on, on complaint petition was filed which was sent to police who registered into the FIR. She has replied in para 14 of her cross-examination that C.I.C.L 'X' has given her mobile phone and which was not known to her parents and her parents never used that mobile. In para 17 she has admitted that she and C.I.C.L loved each other and wanted to marry but this fact was not known to her parents. The defence has again pointed out the falsity of her evidence that she was taken to Himachal Pradesh but she was not able to describe the name of the landlord. Even the police has not investigated this fact. On this Court is of the view that failure to know the name of landlord is not such a big omission which could hit the prosecution case. In a circumstances when the victim girl and the boy who has eloped her, remains in hiding from the society. It is in tendency that they always try to keep themselves in seclusion, to evade from the questioning of the society. Particularly, when they have not solemnized the marriage with the permission of parents. So none description of the name of the landlord is natural and proves the factum to the prosecution case.

When the Court analyses the evidence of P.W 5 Baikunth Paswan who is a retired ASI became surprised to such a lackluster insensitive investigation. Such type of casual investigation is a cause of concern not only to this case but to the police

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investigation at large.

So the question arises whether the Court should disbelieve the prosecution case only due to the casual approach of the investigating officer. From the various judicial pronouncement and from the spirit of law as discussed above, this Court's reply is in negative. A insensitive I.O cannot be allowed to botched investigation and deny the victim of her justice. The I.O was supposed to visit all the places of occurrence. In this case there are three places of occurrence, one in the house of victim girl, second in the shop of the C.I.C.L 'X' and at Himachal Pradesh. From the evidence of this witness, this Court collects the points that he had mentioned the house of the victim girl and got recorded her statement u/s-164 of Cr.P.C. After collecting her date of birth, the direction of the senior officer and his investigation, he submitted the charge-sheet no. 266/2023 dated 06.10.2023 Exhibit-P2/PW5. In para 17 he has stated that the Panchnama was not given to him and only he has mentioned the name of the Panches but he failed to record the statement of the Panches. However in course of argument, learned counsel for the prosecution has drew the attention of the Court that in para 10 of the case diary there is a graphie description of the Panchayati, which was duly signed by by father of the C.I.C.L 'X', mother of the victim girl and other witnesses. This fact was not contradicted by the C.I.C.L or his counsel. From the deposition of I.O this Court gathers that a panchayati in this regard was held at the police station in such the love affair, sexual relationships and elopement of the victim girl was mentioned. surprisingly this panchayat was not brought on record. This shows the casual approach of the prosecution.

Two medical officer examined as P.W. 6 doctor Divya Gupta (Dentist) and P.W. 7 doctor Brajesh Kumar along with the member of Medical Board have categorically admitted that at the time of their examinations the victim girl to be her age (19-20 years). This also proves that the victim girl was about the age of 18 years as claimed by the parents. P.W. 6 who brought on record Exhibit-P3/PW 6 has not found the injuries either front or back of the victim girl and over genetallia. The doctors have also found there was no sign on coitus seen and external genitalia was healthy. The doctor has also found the absence of spermatozoa. The doctor has found hymen ruptured, the patient has confined with the medical board that she was in relationship since last one year. From the evidence of Medical Board and deposition before the court, this Court is of the view that rupture of hymen and statement of victim girl proves that there were several relationship, so the allegation of the prosecution with regard to sexual act by the C.I.C.L 'X' with the victim girl is also proved. This Court also considered the statement of the C.I.C.L 'X' made u/s-313 of Cr.P.C in which and other question, he has denied such

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offence committed by him but from perusal of questions no. 7 and 8, he has admitted that he was known to victim girl who resides 2-3 kilometer away. He has also admitted that he used to visit the shop of victim girl and made friendship with the brother of victim girl and fell in love. He used to talk with victim girl but he denied the fact that he developed physical relationship with her. The denial of establishing the physical relationship is found unsubstantiated. Particularly, no such cogent evidence has come before the Court. This Court was already found the evidence of victim girl and other circumstantial evidence. Particularly the evidence of P.W-1, P.W-2 and P.W-3 and the holding of Panchayat. Taking into the whole evidence considering, this Court finds after going through above judicial pronouncement of the Hon'ble Court that nowhere the defence has been able to negate the version of the victim girl that C.I.C.L 'X' was in love with her she was love with false promise of marriage. Being on the false promise of marriage he developed physical relationship with her when she was minor. Her plea of minority was never challenged. So taking into account the statutory provision of consent, consent of a minor is of inconsequential. Even the C.I.C.L 'X' has admitted his relationship with the victim girl. This court also finds that in para 10 of the case diary there is a totla description of the Panchayati as held in the police station is mentioned, also supported by PW.1, P.W. 2, P.W. 3 and PW 4 respectively. Even the I.O has stated about it. Surprisingly this panchayatnama was brought before the Court but from the fact discussed above, this Court is of the view that there are impeaching evidence that a panchayati was held with regard to such incident and agreement of both the parties to solemnize the marriage after both parties attains eligible for marriage. For this, this Court is of the view that there are cogent evidence available on record to fact the C.I.C.L developed friendship with the victim girl made a promise to marry her and started developing sexual relationship with her. For this, the C.I.C.L is held guilty for the main charges of committing rape upon minor girl.

15. Now the Court also go through the charges and analysis separate charge to find whether the C.I.C.L was guilty for it charge or not.

As regard to offence u/s-376 of IPC concerned, on above discussion, this Court has held guilty that the C.I.C.L 'X' developed friendship and entered into sexual relationship at three places at Pachveer, at the house of victim girl, second shop of C.I.C.L and three at Himachal Pradesh. So the section 376 of IPC is proved.

As regard to offence u/s-323 of IPC is concerned that this Court finds that in the FIR it is mentioned that C.I.C.L and his family members have assaulted and abused them when they visited their house to talk about the marriage the two witnesses have supported such allegation. P.W. 2 has mentioned about the use of abuse and scuffle.

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This Court is of the view that offence u/s-323 of IPC is proved.

As regard to offence u/s-504 of IPC is concerned:- section 504 of IPC prepostulates an intentional intention to provoke a breach of peace. For this, an intentional word or gestures should be proved by which the offended person is so swayed that he indulged in some criminal act. From the entire analysis of the evidences, this Court has not found that the victim or her mother has brought before the Court that any such words were uttered to them by the C.I.C.L X. So the offences u/s-504 of IPC is not proved.

As regard to offence u/s-341 of IPC is concerned that this Court already found that against her will, the victim girl was restrained at Himachal Pradesh. The act of the C.I.C.L X not allowing the girl to move on her own will comes under the statutory requirements as required by section 341 of IPC. For this, the offences u/s-341 of IPC is proved beyond all reasonable doubts.

As regard to offence u/s-509 of IPC is concerned it deals with word, gesture or act intended to insult the modesty of women to constitute to this offence, it's required that the offender must have an intention to insult the modesty of women, utters any word, makes any sound or gesture for exhibits any object intending that such words or sound by which such women contemplate as an intrusion to her privacy. The prosecution case in hands related to proved sexual abuse of the victim girl on false promise of marriage. Later on the denial by the C.I.C.L X of such promises disrespectful to the female and making an allegation that "the allegation levelled against him (C.I.C.L 'X') is only for the purpose of getting marriage since she belongs to a poor family and boy belongs to respectable rich family. This fact can be evident from the suggestions made by the defence in their last questions of its cross-examination. For this, this Court feels offence u/s-509 of IPC is also proved.

As regard to offence u/s-8 of POCSO Act is concerned that this court is of the view that it dealt with punishment for sexual assault:-

Section 8 of POCSO Act defines the period power for the offences committed u/s-7 of the POCSO Act which dealt with sexual assault as, "Whoever, with sexual intent, touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault". In the present case only P.W. 4, the prosecutrix is the only witness who have seen and faced the ordeal of the C.I.C.L X, and her mother or two independent witnesses, could be categorized as hearsay witness, has narrated of her ordeal. The victim girl has stated that at the beginning the C.I.C.L X has given her a mobile phone

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upon which they used to converse with each other. Later on they became intimate and develop physical relationship. The medical board in its report has mentioned that she was in relationship since one year. Though, the prosecution has not brought any other stringent provision of POCSO Act, this Court is of the view that whatever the material are available before this court, the CICAL X is guilty of the offence u/s-8 of POCSO Act.

Summarising all the witnesses analysed above, this Court is of the view that taking into consideration that the CICAL X has lured the victim girl to satiate his lust developed his friendship with victim's brother then developed relationship with her, and handed over a phone to fulfill its evil design. The CICAL 'X' eloped with the victim girl on 23.03.2023 and returned to Begusarai on 28.04.2023. All the witnesses have supported the case of the prosecution there was no denial of the Panchayati took place to hush up the matter. From the judgments of the Hon'ble Courts, there are clear and definite judicial pronouncement that the victim is not an accomplice and has evidence should not be doubted unless there are some clear discrepancies. The victim girl has totally supported her case not only examination in chief but stood firm and uncontradicted in her cross-examination.

So this Court is of the view that prosecution has not able prove its case u/s-504 of IPC but able to prove its case u/s-341, 323, 509, 376 of IPC and section 8 of POCSO Act beyond all reasonable doubt.

The CICAL X is present before the Court from the safety home and he is directed to be produced on next date for hearing on the point of sentence.

Dictated and corrected by me.

Sd/-
(Sanjay Kumar-III)
Dist. & Addl. Sessions Judge-I
BEGUSARAI/04-06-2026

Sd/-
(Sanjay Kumar-III)
Dist. & Addl. Sessions Judge-I
BEGUSARAI/04-06-2026

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16.06.2026

On the point of sentence.

Heard the learned counsel for the CICL 'X' and the learned Spl. P.P. of Children Court on the point of sentence.

It was submitted on behalf of the CICL 'X' that it is the first offence of the CICL 'X' who has not attained the age of 21 years with SIR and SBR are clean, he has a very bright future ahead. It was also submitted that out of love and with an intention to marry the victim girl, this offence was committed. Considering his age and possibility of reform and thereafter to become a good and law-abiding, the Court may be pleased to give him a chance for his reformation.

On the other hand, the learned counsel for the State has vehemently opposed the prayer of counsel of the CICL 'X' and submitted that the convict has sexually assaulted the victim with a false promise of marriage. Later on he withdrew from such a promise and levelled an allegation against her that she taking advantage of the richness of the CICL 'X' lured him to go ahead. This offence is not a solitary offence against a single person but an offence against the society at large. So, the Court awarded him the maximum sentence.

Heard the learned counsel for both the parties and also perused the finding of the J.J.B, Begusarai while transmitting this case to Children Court, the learned Board u/s-18(3) of J.J.B by its order dated 06.01.2024 has found the age of the CICL and after going through the analysis of the physical, mental, his understanding of the offence and on the basis of the report of Clinical Psychologist, he was a 16 years, 5 months and 08 days and have the mental ability to understand the consequences of the act.

This Court also considered the submissions of the parties, this Court has already come to the finding that physical relationship was established

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by the CICL 'X' with the victim girl on the pretext of marriage and the CICL 'X' was well aware of the consequences, for this he was tried as an adult and must be awarded the sentence as an adult. However, taking into consideration that he has still not attained the age of 21 years and must not have known all the consequences as a person ought to have thought. This offence was germinated with love and affection and not an offence of forcible rape as committed during a forced rape.

For this, this Court is of the view keeping in mind the best interest, safety rehabilitation of the child in a lenient view should be taken by this Court. Considering the statutory provision for this, the convict CICL 'X' is sentenced to undergo imprisonment:-

For the offence punishable u/s-341 of IPC, the convict is sentenced to undergo simple imprisonment for one month.

For the offence punishable u/s-323 of IPC, the convict is sentenced to undergo simple imprisonment for one year and fine of ₹1,000/- in default of payment of fine he would further undergo an SI of one month.

For the offence punishable u/s-509 of IPC, the convict is sentenced to undergo simple imprisonment for three years and fine of ₹2,000/- in default of payment of fine he would further undergo an SI of three months.

For the offence punishable u/s-376 of IPC, the convict is sentenced to undergo rigorous imprisonment for ten years and fine of ₹4,00,000/- in default of payment of fine he would further undergo an SI of one year.

For the offence punishable u/s-8 of POCSO Act, the convict is sentenced to undergo rigorous imprisonment for three years and fine of ₹50,000/- for committing offence in default of payment of fine he would further undergo an SI of one year.

All the sentences shall run concurrently. The sentence already undergone shall be set off accordingly.

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The fine amount shall be paid to the victim side to meet the expenses incurred upon them during the litigation period.

Dictated and corrected by me.

Sd/-
(Sanjay Kumar-III)
Dist. &Addl. Sessions Judge-I
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Sd/-
(Sanjay Kumar-III)
Dist. & Addl. Sessions Judge-I
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