

**IN THE COURT OF FAST TRACK SPECIAL JUDGE FOR EXPEDITIOUS
TRIAL AND DISPOSAL OF RAPE AND POCSO ACT CASES,
MEDCHAL-MALKAJGIRI DISTRICT AT NEREDMET.**

Wednesday, this the 12th day of August, 2026

Present: Smt. CHITTIBOMMA ASHALATHA

Fast Track Special Judge For Expeditious Trial
And Disposal Of Rape And POCSO Act Cases
Medchal-Malkajgiri District At Neredmet

Special Sessions Case No.152 of 2025

1	Name of the complainant	The State of Telangana through Inspector of Police, Medipally Police Station, Rachakonda.
2	Name of the accused	Kala John, S/o.late Arlappa, Aged 45 years, Occ:Painter, R/o.Bolligudem, Boduppall, N/o. Chimalakondur Village, Bhongiri Mandal Yadadri District.
3	Offences complained of	Under Sections 64(2)(m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(1) read with 6 of Protection of Children from Sexual Offences Act, 2012.
4	Crime No. & Name of Police Station	279 of 2025 of Medipally Police Station
5	Plea of the accused	Pleaded not guilty
6	Finding of the Court	Found guilty.
7	Sentence or order	In the result, the accused is convicted for the offences Under Sections 64(2)(f)(m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(1) read with 6 of Protection of Children from Sexual Offences Act, under Section 258(2) of the Bharatiya Nagarik Suraksha Sanhita. a. The accused is sentenced to undergo

	rigorous imprisonment for TWENTY years and pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for SIX months for the offence under Section 5 (l) read with Section 6 of the POCSO Act. b. The accused is sentenced to undergo rigorous imprisonment for Two Years and pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for Three Months for the offence under Section 351(2) of the Bharatiya Nyaya Sanhita. c. The substantive sentences of imprisonment imposed against the accused for the offences under section 6 of POCSO Act and Section 351(2) of the Bharatiya Nyaya Sanhita sentences shall run concurrently. d. In view of Section 42 of the POCSO Act, no separate punishment is being imposed against the accused for the offence Under Section 64(2) (f)(m) of the Bharatiya Nyaya Sanhita. e. As seen from the record, the accused has been in jail in this case from 05.04.2025 till date i.e., 12.08.2026. The said period shall be given set off under Section 468 of the Bharatiya Nagarik Suraksha Sanhita against the substantial sentences of imprisonment imposed against him. f. This Court recommends to the District Legal Services Authority, Medchal-Malkajgiri
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		District at Kushaiguda to award a compensation of Rs.3,00,000/- (Rupees Three Lakhs only) to the victim / PW2 from and out of the victim compensation fund, within one month from the date of receipt of copy of this Judgment. g. The accused is informed regarding his Right of Appeal and a free copy of Judgment is handed-over to the accused.
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This case is coming before me for final hearing in the presence of **Sri. P.Srinivasa Chary**, Learned Special Public Prosecutor for the State and of **Sri. S. Venkata Ramana**, Learned Legal Aid Defence Counsel for the accused and upon hearing both sides and perusing the material on record and having stood over for consideration till this day, the Court delivered the following:

:: J U D G M E N T ::

1. The Inspector of Police, Medipally Police Station has filed charge sheet against the accused in Crime No.279 of 2025 for the offences punishable under Section 64(2) (m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5 (1) read with 6 of POCSO Act 2012.

2. **The brief averments of the charge sheet are that:**

On 02.03.2025 at 18:00 hours, mother of victim girl / Complainant / LW1 gave complaint stating that, in the year 2007, she got married with the accused who is a Painter by profession, since then, she has been living with her husband (accused) and they blessed with a daughter and a son and that her daughter / victim girl / LW3 is

aged 16 years studying 10th class in a Government School and that her daughter / LW3 suffered with stomach pain in the month of January 2025 for 2 to 3 days, which later subsided, in February 2025, her daughter/LW3 again complained stomach pain and informed that her menstrual periods had stopped, she immediately took her to a Private Hospital at Jagadgirigutta, on 18.02.2025 for treatment, there, the lady doctor scanned and confirmed that her daughter / LW3 was pregnant. On enquiry with her daughter / LW3, she disclosed that in the month of December, 2024 when she was alone in the house, her father (accused) forcibly committed rape on her by threatening her with dire consequences, since then he committed rape on her for 4 to 5 times repeatedly, due to fear of her father (accused) her daughter / LW3 did not disclose the matter to her, then she vacated the house and left to her parents' house, hence she requested for necessary action. Basing on the said contents of complaint, LW18/Sri. R. Govind Reddy, Inspector of Police, Medipally Police Station registered a case in Crime No. 279 of 2025 under Section 64(2)(m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(1) read with 6 of POCSO Act and took up investigation. During the course of investigation, LW18 examined and recorded the statement of complainant / LW1 under Section 180 of Bharatiya Nagarik Suraksha Sanhita, got recorded the statement of victim girl / LW3 through a Woman Sub-Inspector of Police, Smt.N.Annapurna (LW17) in the presence of her mother / LW1. Later the victim girl was referred to the Government Hospital, Malkajgiri for Medical Examination, where Dr. Sarah Seemeen, Deputy Civil Surgeon (LW14) examined her and preserved Vaginal swabs in order to send to the FSL for chemical analysis and report.

Subsequently LW18 visited the scene of offence caused enquiries, secured the presence of two mediators, conducted scene of offence Panchanama and drew rough sketch of the scene ; and at the scene of offence LW18 examined and recorded the statement of House owner (LW5), Circumstantial Witness and Classmate of victim (LW6 and LW7). Later evidence was collected by examining and recording the statements of LW2 / Sister of complainant and LW4 / Circumstantial witness. LW18 addressed a letter to the Head Master (LW8) in which the victim girl had studied to furnish Bonafide Certificate of victim girl / LW3, who furnished the same as to which the date of birth of victim girl is on 17.03.2008 as to which she is a minor. LW18 visited to the xxxx Hospital, Kukatpally where victim girl was treated, examined and recorded the statement of LW9 / Dr.J.Rajeshwari who treated the victim girl and collected consultation receipt from her. On 05.04.2025 at 10:00 hours, the accused was arrested, recorded the confession statement of the accused in the presence of two mediators (LW12 and LW13), sent the accused to the Government Hospital, Malkajgiri for potency test where LW14 conducted such test and issued report. LW15 / the learned V Additional Metropolitan Magistrate recorded the statement of victim / LW3 under Section 183 of Bharatiya Nagarik Suraksha Sanhita. LW18 prepared Letter of Advice and forwarded the material objects seized by LW14 from the victim to the Director FSL through ACP, Malkajgiri Division for analysis and report, where Dr.S.Vijaya Lakshmi, Assistant Director, TGFSL (LW16) examined Material Objects and issued opinion vide letter, dated 07.04.2025. LW18 obtained final opinion issued by the lady medical officer / LW14, dated 07.04.2025. The entire

investigation discloses that the accused in the month of December, 2024, when his daughter / LW3 was alone in the house forcibly committed rape upon her and threatened her with dire consequences not disclose the same to anybody since then he committed rape upon victim / LW3, for 4 to 5 times repeatedly, due to fear of the accused, LW3 did not disclose the same to her mother / LW1. Later, LW3 suffered stomach pain in January, 2025 and February, 2025, her mother took her to a hospital, after conducting tests, Doctor confirmed LW3 is pregnant. On enquiry by LW1, LW3 disclosed what has happened. Later LW3 got fever and lost her pregnancy. Thus, the acts of the accused are constituting an offence punishable under Section 64(2)(m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(l) read with 6 of POCSO Act, 2012. Hence, the charge sheet.

3. Originally, the charge sheet was filed before the Hon'ble Metropolitan Sessions Judge, Cyberabad. Wherein, it was registered as Special SC No.152 of 2025, and later at the stage of trial, the same was transferred to this court on being designated as the Special Court for trial of cases under the POCSO Act, for trial and disposal.

4. Copies of documents were supplied to the accused as required under Section 230 of Bharatiya Nagarik Suraksha Sanhita. Upon consideration of the material on record and after hearing the learned Special Public Prosecutor and the learned counsel for the accused Charges under Section 64(2)(f)(m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(1) read with 6 of POCSO Act 2012 were framed against the accused, read over and explained to him, to which he pleaded not guilty and claimed to be tried.

5. The prosecution, to prove it's case against the accused, has examined PW1 to PW12 and got exhibited Ex.P1 to Ex.P12.

6. After closure of prosecution evidence, when the accused was examined under Section 351 of Bharatiya Nagarik Suraksha Sanhita with reference to the incriminating material appearing against him in the evidence of prosecution witnesses, he denied the same. He, however, did not choose to adduce any evidence on his behalf. Hence the defence evidence is closed.

7. Heard the arguments submitted by the learned Special Public Prosecutor and the Learned Legal Aid Defence Counsel for the accused. Considered the Written Arguments and citations submitted by the learned Special Public Prosecutor.

8. On the basis of rival contentions, the following points are framed for determination:

- 1. Whether the victim girl/PW2 was a 'Child' as defined in Sec.2(1)(d) of POCSO Act, as on the date of commission of alleged offence upon her ?***
- 2. Whether the prosecution is able to prove it's case against the accused for the offence under Section 64(2)(f)(m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(l) read with 6 of POCSO Act, 2012 with which, he is charged?***
- 3. To what relief ?***

9. The admitted facts are that: The informant is the Mother of Victim girl who gave complaint at Medipally Police Station. The accused is husband of Complainant / informant. The accused and complainant/PW1 blessed with a daughter and a son. The Daughter of PW1 and the accused is the victim girl / PW2 in this case. The Accused is own father of the Victim girl.

Point No.1:

Whether the victim girl / PW2 was a 'Child' as defined in Sec.2(1)(d) of POCSO Act, as on the date of commission of alleged offence upon her?

10. The allegations made against the accused are that, mother of victim / PW1 gave complaint stating that in her absence, the accused committed rape on her daughter / victim / PW2 for four to five times, due to which her daughter PW2 became pregnant, later she lost her pregnancy due to fever, therefore, the accused committed punishable offence under Section 5(l) read with 6 of POCSO Act. Section 3 of POCSO Act defines 'penetrative sexual assault' as a person is said to commit penetrative sexual assault if 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, etc. Section 5(l) of the POCSO Act says whoever commits "penetrative sexual assault" on the child more than once or repeatedly amounts to "aggravated penetrative sexual assault". From these provisions, it is obvious that the victim must be a 'child' as on the date of commission of offence upon her. Section 2(1)(d) of the POCSO Act defines 'child' as any person below the age of eighteen years. The burden is, therefore, on the prosecution to prove that, the victim was a 'child' i.e., below the age of eighteen years, as on the date of commission of alleged offence upon her. PW6 / Incharge Head Master exhibited Ex.P2 / Bonafide Certificate, as to which victim / PW2 was born on 17.03.2008. Further, Dr. Sarah Seemeen who is examined as PW10 before this court deposed that, she conducted age determination test of PW2 and issued age Certificate under Ex.P6, as to which the age of the victim girl was 16 - 17 years old. On careful perusal of the respective cross-examinations of PW1 to PW3, PW6, PW10 and PW12, there is no single suggestion given by the Learned Legal Aid Defence Counsel for the accused stating that, the victim girl / PW2 was not a 'minor' as on the

date of the alleged incident committed upon her. Further, the Learned Legal Aid Defence Counsel did not file any other proof to show that the victim girl was not a 'minor' nor suggested any other date as her date of birth. Hence, this court considers the oral evidence of PW1 to PW3, PW6, PW10 and PW12 and the documentary evidence under Ex.P2 and Ex.P6, safely concluded that the victim is a 'minor' as on the date of alleged offence committed upon her. Thus, the victim was a 'child' i.e., below the age of 18 years, as on the date of commission of alleged offence upon her which is within the meaning of Section 2(1)(d) of POCSO Act. Thus, this point is answered accordingly in favour of the prosecution.

Point No.2:

Whether the prosecution is able to prove it's case against the accused for the offence under Section 64(2)(f)(m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(l) read with 6 of POCSO Act, 2012, with which, he is charged?

11. The allegations made against the accused are that, the accused being father of victim, in the absence of his wife, committed rape on her (victim/PW2) for four to five times, due to which, PW2 became pregnant, and that the accused threatened the victim with dire consequences, not to disclose the same to anyone, therefore she did not disclose the same to any one, later she lost her pregnancy due to fever, thereby, the accused committed punishable offence under Section 64(2)(f)(m), 351 (2) the Bharatiya Nyaya Sanhita and Section 5 (1) read with 6 of POCSO Act 2012.

12. To prove the case of the prosecution, firstly it has examined **the mother of victim / PW1**, who stated in her chief examination that she gave complaint before Medipally Police Station on 02.03.2025 and that her daughter/PW2 was born on

17.03.2008 and that in the month of February, 2025 her daughter/PW2 told her that, she was suffering with severe stomach pain, on which she gave a tablet to her, after two to three days her daughter/PW2 again complained that she was suffering with stomach pain and she did not get her period in the said month, on which, she took her daughter/PW2 to xxxx Hospital, near her parent's house, after scanning the doctor told that her daughter was in 4th month pregnancy, she immediately informed the same to her sister / PW3 and her mother on enquiry, her daughter/PW2 stated that, accused committed sexual intercourse with her, when she was not present at house and that her daughter also told that, the accused committed sexual assault on her for five times, threatened PW2 not to reveal the same with her, if she does so, he will kill her, thereafter, she went to the house of her parents along with her children and has been staying at her parents house. PW1 exhibited Ex.P1 is the complaint dated 02.03.2025 which bears her signature.

13. During cross examination PW1 deposed that Ex.P1 complaint written by her daughter / PW2 at the Police Station and that LW4 is her junior paternal uncle who is working as police constable at Bhongir Police Station and he is residing at Bhongir and that the Accused used to do painting works individually or at a contractor and that she works as a maid servant and her work timings are from 8:00AM to 1:00PM and that the work timings of the accused were from 8:00AM to 7:00PM.

14. PW1 deposed that as on the date of incident PW2 was studying 10th class and her school timings were 8:45AM to 5:00PM and that she after came to know about the

incident from her daughter, she went to her parents' house in the month of February, 2025, later she did not meet the accused and question the accused.

15. PW1 admitted that immediately after coming to know that her daughter was pregnant she did not visit the Police Station and after discussion with her sister (PW3) and mother (LW4), she gave complaint before Police. The testimony of PW1 discloses that after 10 days the victim lost her pregnancy, at her parent's house. PW1 further admitted that she did not mention in Ex.P1 and stated in her statement before police that, the victim girl was pregnant of 4 months.

16. PW1 denied the suggestion that the accused has not committed any offence and that as the accused is making nuisance at their house by drinking alcohol as such she filed false case against the accused at the instance of her relatives and to claim amount from the Government and that her daughter did not inform her anything and that Police did not examine and record her statement.

17. **Later, the victim/PW2** stated in her chief examination that PW1 filed this case before the Police Station on 18.02.2025 and that as on the date of complaint, she was 16 years old and was studying 10th class and that she was born on 17.03.2008 and that in the month of December, 2024 when her mother was not at home and she was at home as it was a holiday, her father (accused) committed rape on her and that the accused committed rape on her for three to four times and that the accused also threatened her, if she revealed the same to anyone he will kill her and that after some days she got stomach pain and informed with her mother who inturn informed the same to PW3 who advised her mother / PW1 to come to Jagadgirigutta to take her for

tests, accordingly, they went there and she was taken to hospital and after scanning it was stated that she was pregnant, thereafter, she got fever and that due to fear she did not inform the acts of her father (accused) with PW1, subsequently she revealed the same. PW2 further stated that her statement was recorded by Police madam and Learned Magistrate.

18. PW2 stated in her further chief examination that, in the month of December, 2024 the accused committed rape on her and that in the month of February, 2025 she got stomach pain, she told the same with her mother and that on 02.03.2025 PW1 gave complaint and that on 18.02.2025 her mother took her to xxxx Hospital as she was suffering with stomach pain.

19. During cross examination of PW2 by the Learned Legal Aid Defence Counsel she deposed that, the distance between her house and school is about 2 kms, it took 10 minutes for her to go to school on her cycle and that she did not attend any tuition in the evening hours and that her brother was also having his own bicycle and that she had three best-friends in her class and five friends at her house. PW2 further deposed that they used to reside in a rented house, the said house consisting of one bedroom and one hall is in the first floor and that there is one neighbor to them in the first floor and that she has acquaintance with the neighbors.

20. PW2 further deposed that her mother used to work as a maid servant from 9:00AM to 10:30AM and that the accused used to work as painter and he has no particular timings. PW2 again says that the accused used to go for his work at 09:00AM and came back to house at 06:00 PM and that her parents used to quarrel

with each other and that her father also used to beat her and her brother. The testimony of PW2 discloses that, she does not remember the date of commission of offence of rape by the accused on her and that she did not inform with her mother on the same day of commission of rape on her, similarly with her friends or relatives. The testimony of PW2 discloses that, she came to know that she was pregnant after she was taken to xxxx hospital at Jagadgirigutta and that her relatives or her mother or PW3 did not beat the accused knowing that she was pregnant. PW2 deposed that the complaint was given before police station, Medipally by PW1 and that she has not handed over her birth certificate to the police. PW2 denied the suggestion that she got pregnancy as she was with her boy-friends and as there were disputes between her mother and father, PW1 foisted this false case against the accused and that no offence was committed against her and that the accused is no way connected with this case.

21. Later, Aunt of Victim/PW3 stated in her chief examination that PW1 gave this complaint before PS Medipally on 18.02.2025 and that PW1 telephoned her in the month of February, 2025 and told her that the victim / PW2 was suffering with stomach pain and again after three days, PW1 telephoned and told her that PW2 was again suffering with stomach pain and has to take to hospital on which she asked PW1 to bring PW2 to Jagadgirigutta to show PW2 at a hospital as she is resident of Jagadgirigutta, accordingly, PW1 and PW2 came to her house and she took PW1 and PW2 to the xxxx Hospital at KPHB and that the doctor scanned PW2 and informed them that PW2 is pregnant, thereafter herself, PW1 and PW2 came back to her house, on questioning, PW2 told with them that in the absence of PW1, the accused

committed rape on her and also threatened her not to reveal the same to anyone and that the accused committed rape on her for 3 to 4 times and that later, PW2 suffered with severe fever, due to which PW2 got abortion.

22. During cross examination PW3 admitted that she used to work at xxxx Hospital KPHB as Housekeeping and that she came to know about the alleged rape of the victim/PW2 through her sister/PW1 and that there were no complaints in between PW1 and the accused and that after complaint she did not visit PS Medipally. PW3 denied the suggestion that PW2 is having a boyfriend due to which she got pregnant, and as there were disputes between PW1 and the accused and to hide the affair of PW2, the accused is falsely implicated into this case and that the accused never committed any offence and that she is deposing false to help PW1.

23. During Re-examination, PW3 stated that by the date of incident PW2 was aged 16 years and PW1 gave complaint on 02.03.2025. During Re Cross-examination, PW3 deposed that she is deposing false at the instance of police and she does not know anything about this case.

24. Later, PW4 / House owner of PW1 stated in her chief examination that she knows PW1, PW2 and the accused and they used to reside in her house as tenant for three years and that PW2 was aged 15 to 16 years at that time and used to study 7th class and that PW1 and the accused used to quarrel with each other and that accused is having habit of drinking alcohol and also chew tobacco and that the accused committed rape on his daughter / PW2 and that PW1 stated with her that PW2 informed her that she was suffering with stomach pain, she has shown PW2 in a

hospital, doctor scanned and confirmed PW2 is pregnant, on questioning, PW2 told with her (mother of victim) that the accused is the reason for the said pregnancy. PW3 further stated that she came to know all these from PW1. PW4 identified the accused correctly in the open court .

25. During cross examination PW4 deposed that, there was no rental agreement in between herself and PW1 to show that PW1 and her family were her tenants and that she was residing in the ground floor of her house, whereas, PW1 used to reside in a portion in the first floor and that there was another tenant in the first floor and that the neighbors of PW1 used to attend their works in the morning and used to come back in the evening hours and that the accused used to go for his work at 6:00AM and come back by 6:30PM and that PW1 used to work as maid servant and she used to attend her work by 8:00AM and come back to her house by 12:00Noon. PW4 admitted that she has no personal knowledge about the alleged incident. PW4 denied the suggestion that she does not know anything about this case and that she is deposing false at the instance of PW1.

26. Later, Friend of victim / PW5 stated in her chief examination that the accused used to quarrel with PW1 and his children and that the accused is having habit of drinking alcohol and that in the month of December 2024, PW2 came to her and told her that her father forced her and used to lay his hands and legs on her, she advised PW2 to tell the same with her mother, then PW2 expressed her fear that the accused threatened her, not to reveal the same to anyone, if she does so, he will kill her and that she came to know in the month of February 2025, that PW2 was vacating her

house, on which herself and her mother went to the house of PW1 and asked her why they were vacating the house on which PW1 stated that PW2 was suffering with severe stomach pain in the months of January and February, 2025 and on 18.02.2025, PW1 took PW2 to a hospital at Jagadgirigutta at the house of her maternal grandmother, after scanning, they came to know that PW2 was pregnant, on questioning PW2 told that the accused forcibly committed rape upon her in the month of December, 2025 and threatened her not to reveal the same to anyone, if she does so, he will kill her and that police examined and recorded her statement and that she came to know all these from PW1. PW5 identified the accused in the open court.

27. During cross examination PW5 deposed that herself, PW2 and other friends used to go to school together. PW5 admitted that the other friends of PW2 do not know about the alleged incident and that her school is a co-education and that when PW1 vacated the house, on questioning, PW1 informed all the incidents and they came to know about the alleged acts of the accused through PW1 only. PW5 further admitted that there were serious disputes in between PW1 and the accused. PW5 denied the suggestion that no incident took place and that the accused never committed the alleged offence and that PW1 did not say anything to her similarly PW2 and that she is deposing false to help PW1 and PW2.

28. Later, the in-charge Headmaster of the school in which the victim has studied is examined as PW6 who stated in his chief examination that Medipally Police asked him to furnish bonafide certificate of PW2, accordingly, he issued the same on 03.03.2025, as to the said bonafide certificate, the date of birth of the victim girl was

on 17.03.2008 and that his statement was recorded by police. PW6 exhibited Ex.P2 is the bonafide certificate of the victim.

29. During cross examination PW6 deposed that, police gave written requisition to furnish bonafide certificate of victim girl. PW6 denied the suggestion that he was not in-charge Headmaster of the school and that he has not issued the bonafide certificate under Ex.P2 and that no such details are in the alleged admission register and that he is deposing false at the instance of the police.

30. Later, Sri. C. Mahender / PW7 stated in his chief examination that on 02.03.2025 at xxxx, Bolligudem, there is a house consisting of ground floor and first floor and that the Sub-Inspector of Police, Medipally PS shown the second room in the first floor and stated that the father of the victim girl committed rape on his own daughter and police conducted the scene of offence panchanama, asked him to sign accordingly, he signed on the said panchanama as Witness No.1. PW7 exhibited Ex.P3 is the CDF along with rough sketch.

31. During cross examination PW7 deposed that, in between 6:00PM to 7:00PM he went to his friend's house on 02.03.2025 and that he does not have prior acquaintance with the police, Medipally and that the scene of offence is in the first floor. PW7 denied the suggestion that no scene of offence panchanama conducted in his presence by the police and that police obtained his signatures on blank papers and that he is deposing false on the instructions of police.

32. Later, Dr. Rajeshwari / PW8 Retired Government Doctor stated in her chief examination that after her retirement in the year 2023 she joined as a medical

practitioner at xxxx Hospital as a Consultant and Gynecologist and she worked till the year 2025 and that on 18.02.2025, the victim girl brought to the hospital by her mother, as the victim girl complained pain in abdomen and bleeding per vagina, the victim girl was in very bad state, by treatment she was stabilized and that on 19.02.2025, she examined the victim girl by giving anaesthesia, which is evaluation under SGA and that on 20.02.2025, the victim girl/PW2 was discharged as the health of victim girl was stabilized and was in good condition. PW8 exhibited Ex.P4 is the medical prescription of the victim girl dated 17.04.2025.

33. During cross examination PW8 deposed that Ex.P4 is only issued to the SHO, Medipally and that there is no medical record of the victim girl and that she furnished Ex.P4 at the request of Marketing Executive of XXXX Hospital. PW8 denied the suggestion that she is deposing false on the instructions of police.

34. Later, Daravath Srinu / PW9 stated in his chief examination that on 05.04.2025 the Inspector of Police / LW18 / Sri. R. Govinda Reddy, Inspector of Police, Medipally called him to the Police Station in the evening hours accordingly, he went to Medipally Police Station and that LW18 informed him that the accused committed sexual assault against his own daughter and that he enquired the accused who confessed before him that “in the absence of his wife, he sexually assaulted his daughter” thereby he admitted his guilt in his presence and in the presence of LW12/Sri Jogu Vijay and that the said confession statement was recorded by LW18, read over the same to him and LW12, after understanding the same, he signed in it as

Witness No.2. PW9 exhibited Ex.P5 is the confession statement of the accused. PW9 identified the accused in the open court.

35. During cross examination PW9 deposed that he has no prior acquaintance with LW18. PW9 denied the suggestion that no confession statement of the accused was recorded in his presence and that the accused did not admit his guilt and that he is deposing false at the instance of police.

36. Later, Dr. Sarah Seemeen/PW10, Deputy Civil Surgeon stated in her chief examination that on 02.03.2025, she received a requisition from Medipally Police Station to examine the victim / PW2, accordingly she conducted medical examination of PW2, there were no external injuries on the body of PW2 and on genital examination, hymen was torn at 8 o'clock position and that she collected the vaginal swabs and samples from victim/PW2 and forwarded them to the FSL, and that on the same day, she also conducted age determination test and gave opinion that the victim is 16 to 17 years of age.

37. PW10 further stated in her chief examination that on 05.04.2025, she received requisition from Medipally Police Station to conduct potency test of accused and that on general and local examination, she gave her opinion that "there is nothing to suggest that the accused is unable to perform sexual intercourse". PW10 further stated that on 07.04.2025 she received the FSL report stating that 'semen and spermatozoa are not detected in the samples', then on 16.04.2025, she gave her final opinion that "victim's findings are consistent with sexual intercourse without force though FSL report is negative for sperms, sexual intercourse cannot be ruled out." PW10 exhibited

Ex.P6 is the age certificate of victim, Ex.P7 is the medical examination report for sexual assault of victim dated 02.03.2025, Ex.P8 is the final opinion dated 16.04.2025, Ex.P9 is the Potency test of accused dated 05.04.2025 and Ex.P10 is the FSL report dated 07.04.2025.

38. During cross examination PW10 admitted that as per the requisition of police she mentioned the case facts in the case history of Ex.P7 and that as per Ex.P10 / FSL report there is no semen on Item No.1 and 2 and that the victim has changed her clothes prior to medical examination. PW10 denied the suggestion that she has not followed the procedure and she has issued Ex.P6 and Ex.P7 only on the instructions of the police and that she is deposing false.

39. Later, Smt. N. Annapurna / PW11, Woman Sub-Inspector of Police stated in her chief examination that on 02.03.2025, on the instructions of the CI of Police, Uppal PS, through phone to record the statement of the victim girl / PW2, she recorded the same at Woman Police Station, Uppal and that the victim girl / PW2 stated before her that “her own father committed sexual intercourse against her in the absence of her mother at their house”. The victim girl / PW2 further stated before her that, she suffered from stomach pain in the month of January, 2025 for two to three days and again she suffered stomach pain in the month of February, 2025 and that her mother took her to xxxx Hospital, Jagadgirigutta, where the doctors referred for scan, on which her mother took her for scanning to XXXX Medical Diagnosis and that the reports show that, she was pregnant and that on questioning by her mother, she

narrated what has happened and subsequently, she suffered with fever and lost her pregnancy and that her mother gave complaint before the Police Station, Medipally.

40. During cross examination PW11 denied the suggestion that the victim girl has not given any statement and she got prepared the same at the Police Station and that she is deposing false. PW11 admitted that no document shown by victim girl / PW2 that she was pregnant and lost her pregnancy due to fever. PW11 denied the suggestion that she is deposing false.

41. Later, Sri R. Govind Reddy / PW12, Inspector of Police, Medipally Police Station stated in his chief examination that on 02.03.2025 at 18:00 hours, PW1 gave complaint before him at Medipally Police Station, he registered the same as a case in Crime No.279 of 2025 and issued First Information Report under Section 64(2)(m), 351(2) of BNS and Section 5(l) read with Section 6 of POCSO Act and that he recorded the statement of PW1 and got recorded the statement of PW2 through Woman Sub-Inspector of Police, later, he referred the victim girl/PW2 to the Government Hospital, Malkajgiri, where PW10/Dr. Sarah Seemeen, conducted medical examination of the victim girl and collected material objects to refer the same to the FSL for analysis and report and that he visited the scene of offence and conducted scene of offence panchanama in the presence of PW7 and LW11/R. Mahesh and drew rough sketch and that he recorded the statements of PW3 / sister of the victim, LW4 / circumstantial witness, PW4 / house owner of the victim, PW5 / friend of victim and LW6 / circumstantial witness and that he addressed a letter to the Head-master to furnish the bonafide certificate of PW2, PW6 submitted the same and then

he examined and recorded the statement of doctor / PW8, who treated the victim, confirmed her pregnancy and collected the consultation receipt and that on 05.04.2025, the accused was arrested, the confession statement of the accused was recorded in the presence of LW12 / J. Vijay and PW9, then the accused was referred for potency test to the Government Hospital, Malkajgiri, where PW10 conducted such test and issued report and that he got recorded statement of victim girl under Section 183 of BNSS by filing a requisition before LW15 / learned Magistrate and that the material objects were forwarded to the FSL, where LW16/Dr. S. Vijayalakshmi, analysed the same and issued FSL report and that he collected the final opinion from PW10 and after completion of investigation and collection of all documents, he filed charge-sheet. PW12 exhibited Ex.P11 is the First Information Report and Ex.P12 is the consultation receipt along with the ultrasound scan of the abdomen of the victim.

42. During cross examination PW12 deposed that he did not give any written requisition to PW11 to record statement of the victim girl / PW2 under section 180 of BNSS and that he has no idea the place where the statement of the victim was recorded by PW11 and that he did not seize the clothes of either the victim or the accused at the scene of offence. PW12 admitted that the place of apprehension of the accused is not mentioned in the charge-sheet and that in pursuance of the confession, nothing was seized from the possession of the accused. The testimony of PW12 discloses that, he gave requisition to PW8 to furnish information regarding tests conducted by her to the victim prior to Ex.P1 / complaint. PW12 admitted that the said requisition is not filed before the court. The testimony of PW12 further discloses that

he collected scan reports and that there were no photos or videos or foetus are collected as the complaint given after a long gap. PW12 denied the suggestion that the reports under Ex.P4 and Ex.P12 are false and that he has not recorded the statement of PW8 and that the accused never committed any offence and that without proper investigation he filed the charge-sheet and that he is deposing false.

43. **The Learned Special Public Prosecutor submitted written arguments,** that the present case is one of the most heinous offences involving repeated aggravated penetrative sexual assault committed by the accused upon his own minor daughter taking advantage of her innocence and vulnerability, the accused repeatedly subjected her to forcible sexual intercourse under the constant threat and intimidation, resulting her pregnancy, such acts committed by the accused constitute offences punishable under Section 64(2)(m) and Section 351(2) of BNS and Section 5(l) read with 6 of POCSO Act. It is further submitted that the investigation reveals that the complainant/mother of victim married the accused in the year 2007, blessed with a daughter and a son and that the victim girl/PW2 is none other than biological daughter of accused, who was studying 10th class in a Government school, the bonafide certificate issued by the Headmaster discloses that, her date of birth is on 17.03.2008, therefore she was aged below 18 years and a 'child', within the meaning of Section 2(1)(d) of POCSO Act. It is further submitted that during December 2024, while the victim was alone in the house and her mother was not at home, the accused being fully aware that the victim was his own daughter and a minor, abused his position being father and forcibly committed penetrative sexual assault upon her against her will, the

accused intimidated the victim with dire consequences, threatened her not to disclose the incident to anyone, continued sexual assault repeatedly for four or five occasions, which establishes aggravated penetrative sexual assault within the meaning of the provisions of the POCSO Act. Such repeated acts of sexual assault committed by the accused leads to victim's pregnancy. During January, 2025 victim got severe stomach pain, the same was temporarily subsided again during February, 2025 the victim developed stomach pain and noticed her menstrual periods had stopped, alarmed by the condition, mother of victim took the victim to a xxxx hospital at Jagadgirigutta on 18.02.2025 for medical examination, the lady doctor, who attended the victim after conducting clinical examination and ultrasonography confirmed the victim was pregnant, shocked by the same, the complainant questioned the victim, who disclosed the truth that her own father, who is accused, forcibly committed rape upon her during the month of December 2024, thereafter subjected her to penetrative sexual assault on 4 to 5 occasions by threat, due to which, the victim remained silent because of fear of the accused, thereby, the complainant/mother of victim knowing about the danger in the hands of accused, vacated the house, took her children to her parents' house, thereafter on 02.03.2025 at 6:00PM, she lodged a written complaint before Medipally PS, on receipt of the same, police registered case, issued FIR and took up the investigation. During the course of investigation, PW12 recorded the statement of mother of victim and got recorded the statement of the victim girl by a woman police officer, referred the victim for medical examination to the Government Hospital, where the medical officer collected vaginal swabs and biological samples, preserved

the same and as per the protocol forwarded them for forensic examination. The investigating officer visited the scene of offence, conducted scene of offence panchanama and prepared rough sketch in the presence of two mediators. During the course of investigation, statements of house owner and other material witnesses were recorded as per law. The bonafide certificate issued by the Headmaster of the school discloses that the date of birth of victim is on 17.03.2008, the said document proves the victim was below the age of 18 years. The investigating officer examined the doctor of the said xxxx hospital who initially treated the victim, confirmed her pregnancy and collected all relevant medical records pertaining to her treatment. On 05.04.2025 the accused was apprehended and his confession statement was recorded in the presence of two mediators, effected his arrest, produced before the court. The accused was also subjected for potency test, which discloses that “there was nothing to suggest he was incapable of performing sexual intercourse.” The statement of PW2 under Section 183 of BNSS was recorded on 18.03.2025 by filing a requisition by the learned Magistrate. The said statement is consistent, trustworthy and fully corroborates the prosecution case regarding the repeated acts of penetrative sexual assault committed by the accused. The biological samples collected during the medical examination forwarded to FSL, and the FSL report discloses that, no semen or spermatozoa detected and that the medical officer furnished final opinion stating that, sexual intercourse can not be ruled out. The investigation establishes victim subsequently suffered bleeding and lost her pregnancy. The entire investigation supported by oral, documentary evidence, evidence of independent witnesses, medical

experts, age determination of the victim, medical records establish the accused, being biological father of the victim, repeatedly committed aggravated penetrative sexual assault upon his own minor daughter by criminal intimidation, by exploiting his position of authority and trust. Thus, the prosecution successfully established the commission of offences punishable under Section 64(2)(m) and 351(2) of BNS and 5(l) read with 6 of POCSO Act.

44. It is further mentioned in the written submissions that the prosecution has examined PW1 to PW12 and exhibited Ex.P1 to Ex.P12 and established the identity and relationship of the accused with the victim/PW2 through consistent evidence of PW3/aunt of victim, PW4/house owner of PW1, PW5/friend of victim and PW12/Investigating Officer. The victim girl/PW2 categorically deposed that the accused is her own father committed sexual assault upon her. The said relationship is not disputed by the defence and that the evidence of PW2 is consistent and trustworthy that during the month of December 2024, when her mother was not present at home, the accused committed rape upon her, subsequently repeated the same for 3 to 4 times, the said testimony of the victim girl directly establishes the commission of the offence by the accused. Further, the victim has clearly explained the reason for not disclosing the incident, as the accused threatened her that he would kill her if she revealed the incident to anyone, therefore, the conduct of the victim in keeping silent due to fear is probable and natural and particularly when the offender is her own father. The age of the victim is conclusively established by examining PW6/In-charge Headmaster and by exhibiting Ex.P2/Bonafide Certificate, which

shows that the victim was born on 17.03.2008. Further, the Medical Officer/PW10 conducted age determination and opined that the victim was aged between 16 and 17 years, therefore, the victim was a 'child' as defined under the POCSO Act. Further, the evidence of PW2 is duly corroborated by the evidence of PW3 regarding the pregnancy of PW2, PW3 deposed before this court that the pregnancy of PW2 was confirmed through scanning and on enquiry, PW2 disclosed that her own father committed rape upon her in the absence of her mother and threatened her not to reveal the same. Further, the evidence of PW4/landlord of the victim's family, that PW1/mother of the victim informed her about the stomach pain suffered by the victim and the medical examination, confirmation of pregnancy and disclosure made by PW2 that the accused was responsible for the pregnancy. Further, the evidence of PW5, who was classmate and close friend of the victim deposed that in December 2024, PW2 disclosed that her father was forcibly touching her and that she was threatened by the accused not to disclose the same to anyone. This proves PW2 had disclosed the acts of the accused even before registering the crime. Further, the medical evidence completely supports the version of the victim, i.e., PW8/Consultant Gynecologist deposed PW1 brought PW2 to the hospital with complaint of abdominal pain and bleeding and she was found to be pregnant and that she issued Ex.P12 consultation receipt and ultrasound scan report supporting the fact of pregnancy. PW10/Medical Officer deposed that she conducted medical examination of PW2, found hymen was torn at 8 o'clock position and she gave final opinion that findings were consistent with sexual intercourse, even though as per FSL report spermatozoa was not detected but

sexual intercourse cannot be ruled out. It is specifically argued by the learned Spl.PP that the absence of spermatozoa in the FSL report does not discredit the prosecution case, as the medical evidence itself establishes that sexual intercourse had taken place and the evidence of the victim girl/PW2 regarding rape is supported by pregnancy and other surrounding circumstances. Thus, the prosecution has established the place of occurrence through the evidence of PW7 and PW12. The Investigation conducted by PW12 is that, he registered FIR under Ex.P11, recorded statements of witnesses, arranged medical examination of the victim and the accused ; and collected documentary evidence, obtained FSL report and final opinion and filed charge sheet after completion of investigation. The evidence of PW11/Woman Sub-Inspector of Police is that she recorded 161 Cr.P.C statement of the victim, who consistently narrated that her father committed sexual intercourse with her in the absence of her mother and she subsequently became pregnant. PW12 also deposed that the statement under Section 183 of BNSS of the victim was recorded by the learned Magistrate, further strengthening the credibility and consistency of the version of the victim/PW2. PW9 deposed regarding the confession statement given by the accused. The entire prosecution evidence adduced before this court has no reason or motive to falsely implicate the accused. The evidence of the victim cannot be discarded merely because she is a child witness. Her evidence is supported by medical evidence, pregnancy, disclosure made to PW3 and PW5, documentary evidence and investigation conducted by PW12. The entire chain of circumstances clearly establish the guilt of the accused beyond all reasonable doubt. Therefore, the prosecution has successfully proved that

the accused, being the father of the victim committed aggravated penetrative sexual assault upon his own minor daughter and is liable for conviction for the offences, with which, he is charged. There are no material contradictions, omissions or improvements among the evidence of prosecution witnesses. Even if found any minor omissions or contradictions, it is not fatal to the case of the prosecution as per the well-settled principles of law. Further, even otherwise, no single omission or contradiction was confronted to the IO as such, there is no omission or contradiction in this case. The defence counsel put suggestions and all those suggestions were denied by the witnesses. Hence, the prosecution evidence may be believed and the accused should be punished.

45. In support of the case of the prosecution, the following decisions are submitted by the learned Speicial Public Prosecutor :

(i) A decision in *Bharwada Bhoginbhai Hirjibhai vs. State of Gujarat reported in 1983 CRI.L.J. 1096* in which it *was* held that, minor discrepancies, omissions, inconsistencies in witness testimony are natural due to human limitations of memory, perception and nervousness during cross-examination. Such minor variations do not affect the prosecution case unless they go to the root of the matter and shake the basic version of the prosecution.

(ii) Another decision in *Yogesh Singh vs. Mahabeer Singh & Ors., reported in 2017(1) ALD (CrL.) 57 (SC)*, wherein it was held that, the evidence of relative or interested witnesses cannot be rejected solely on the ground of relationship. If their testimony is credible, trustworthy and inspires confidence, minor contradictions or

embellishments do not weaken the prosecution case, and such evidence can be safely relied upon.

(iii) Another decision in **C. Muniappan and Others vs. State of Tamil Nadu, reported in (2010) 9 SCC 567**, in which it was held that, defective or negligent investigation by itself is not a ground for acquittal. Courts must independently assess the prosecution evidence and determine its reliability, as the outcome of a criminal trial cannot depend solely on lapses in investigation.

(iv) Another decision in **State of UP vs. Krishna Gopal reported in 1988 AIR 2154**, in which the court explained that "reasonable doubt" must be real and based on evidence, not imaginary or trivial. Proof beyond reasonable doubt does not require absolute certainty, and courts must apply common sense and evaluate probabilities rather than exaggerating minor doubts.

(v) Another decision in **State of Punjab vs. Gurmit Singh, reported in (1996) 2 SCC 384**, in which it was held that, in cases involving sexual harassment, molestation, etc. the court is duty-bound to deal with such cases with utmost sensitivity. Minor contradictions insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault is enough for conviction and any corroboration unless there are compelling reasons for seeking it does not require corroboration. The court may look for some assurances of her statement to satisfy judicial conscience. The statement of the prosecutrix is more reliable than that of an injured witness as she is not an accomplice. The Court further held that, the delay in filing FIR for sexual offence may

not be even properly explained, but if found natural, the accused cannot be given any benefit thereof. The courts should examine the broader probabilities of a case and not get swayed by minor contradictions insignificant discrepancies in the statement of prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations."

(vi) Another decision in *Anurag Soni vs. The State of Chhattisgarh, dt: 9 April, 2019 of our Hon'ble Supreme Court of India* it was held that, consent given by the prosecutrix was on misconception of fact. Such incidents are on increase now-a-days. Such offences are against the society. Rape is the most morally and physically reprehensible crime in a society, an assault on the body, mind and privacy of the victim. As observed by this Court in catena of decisions, while a murderer destroys the physical frame of the victim, a rapist degrades and defiles the soul of a helpless female. Rape reduces a woman to an animal, as it shakes the very core of her life. By no means can a rape victim be called an accomplice. Rape leaves a permanent scar on the life of the victim. Rape is a crime against the entire society and violates the human

rights of the victim. Being the most hated crime, the rape tantamount to a serious blow to the supreme honour of a woman, and offends both her esteem and dignity. Therefore, merely because the accused had married with another lady and/or even the prosecutrix has subsequently married, is no ground not to convict the appellant/accused for the offence punishable under Section 376 of the IPC. The appellant-accused must face the consequences of the crime committed by him.

The learned Special Public Prosecutor by submitting the above noticed Written Arguments and decisions, sought to convict the accused as per law.

Considered the proposition of law laid down in the above decisions.

46. **It is argued by the Learned Legal Aid Defence Counsel that,** there is no proof filed by the prosecution to show that the victim/PW2 became pregnant and subsequently she lost her pregnancy due to fever and that except the interested witnesses, no independent witness is examined before this court and that the medical evidence do not say that the accused committed sexual assault upon his own minor daughter / victim girl and that the delay in lodging the case is fatal to the case of the prosecution and that as the accused is having drinking alcohol habit and came to house by drinking and raising dispute with PW1 and beat his children, this false case is foisted against the accused and that the accused never committed any offence and that the accused is no way connected with this case and that on the instructions of PW1 the victim girl/PW2 gave false evidence and that the medical evidence is not conclusive proof it can be used only as opinion evidence and that the testimony of PW1 to PW4 discloses that there were disputes between PW1 and the accused, by taking the petty

disputes and at the advise of relatives, PW1 got foisted this false case against the accused through PW2 and that there are several inconsistencies in the evidence of prosecution witnesses and that the investigation is not conducted properly and that nothing was seized by the investigating officer at the alleged scene of offence and that in pursuance of alleged confession nothing was seized from the accused, therefore the said confession is inadmissible in evidence and that birth certificate of victim girl is not collected by the Investigating Officer and that the bonafide certificate of victim is not conclusive proof regarding the age of victim and that the medical evidence under Ex.P4 and Ex.P12 are created for the purpose of this case and that the evidence of PW1 to PW12 is not cogent, consistent and reliable, thereby the prosecution failed to establish that the accused committed the alleged offence with which he is charged beyond all reasonable doubt, hence the accused is entitled for acquittal.

47. **On considering the oral and documentary evidence adduced on behalf of the prosecution,** this court considers that the accused is not disputing the fact that PW1 is his wife and PW2 is his daughter. From the evidence of PW1 and PW2, it is evident that being wife and daughter of the accused, they were residing along with the accused in the first floor house portion belong to PW4 as tenants, as on the date of occurrence of the incident. The oral evidence of PW4, the evidence of panch witness / PW7 and Ex.P3 CDF including Rough Sketch establish the place of offence. From the evidence of PW2, that as on the date of incident, her mother, herself and her brother have been residing in the house along with their father and the accused being her father sexually assaulted her, in the absence of her mother at house, and also

threatened her not to disclose the same to her mother, due to which she got pregnancy, and as she was suffering stomach pain, her mother/PW1 took her to xxxx hospital, there, the doctor scanned and confirmed that she is pregnant and she was in 4th month of her pregnancy. There are no omissions or contradictions elicited by the Learned Legal Aid Defence Counsel for the accused, to disbelieve the evidence of the victim girl / PW2. Her evidence is uncontroverted and corroborated with her statement under section 183 of the Bharatiya Nagarik Suraksha Sanhita given before V Additional Metropolitan Magistrate /LW15/ Smt.K.Soujanya on 18.03.2025 that “the accused being her father committed Rape upon her by using force for 3 to 4 times, threatened her not to disclose the same to anyone, therefore she got pregnancy”.

48. PW12, who is Investigating Officer, has stated about his entire investigation and the oral evidence of the doctor PW10 substantiated with the documentary evidence such as medical examination report, age determination certificate and Final Opinion under Ex.P6 to Ex.P8. Further, the doctor / PW10 also conducted potency test and gave Ex.P9 / Potency Test certificate opining that, “there is nothing to suggest that the accused is unable to perform sexual intercourse”. Thus, the evidence of PW10 is remain uncontroverted and her evidence as rightly submitted by the learned Special Public Prosecutor, certainly would lend support to the case of prosecution. The accused except putting some formal questions, did not elicit anything contra from PW10 and PW12 to disbelieve their evidence. However, there is a suggestion given to PW10/Dr. Sarah Seemeen, that she did not follow proper procedure, however, the same was denied. By suggesting so, the learned Legal Aid Defence Counsel for the

accused did not suggest specifically as to what is the proper procedure prescribed for examining the rape victim by the doctor.

49. The learned Legal Aid Defence Counsel stressed upon the oral evidence of PW1 to PW4 that “PW1 and accused used to quarrel and the accused used to bet PW2 and her brother”, contended that, this false case is foisted against the accused in view of petty disputes, with the advise of their relatives by PW1 and PW2. If the said contention is true, how the medical examination reports of victim / PW2 under Ex.P7 and Ex.P8 disclose that, hymen torn at 8 ‘o’ clock position and victim findings are consistent with sexual intercourse without force.

50. It is further argued by the learned Legal Aid Defence Counsel that, PW2 is having boy friends, therefore she has got pregnancy, to hide the affair of PW2, the accused is falsely implicated into this case. With this contention the accused is indirectly accepting that PW2 became pregnant. The accused failed to suggest the name of alleged boy friend of victim girl during respective cross examinations of PW2 and PW3. However, the said suggestions were denied by PW2 and PW3. Thus, this court considers that, there is no truth in the said defence of accused. Further it is settled position of law, denied suggestions are of no use, unless there is positive evidence. This court believed the oral evidence of PW2 / victim girl and documentary evidence under Ex.P1 to Ex.P12. The entire evidence of prosecution is consistent and reliable. Thus, the prosecution is able to place fundamental facts that the accused committed the offences, with which, he is charged.

51. Now the question is to be seen, whether the accused is able to rebut the presumption contained in Sections 29 and 30 of the POCSO Act. To decide this question, it is necessary to notice the said Sections and they read as under:

Sec.29: Presumption as to certain offences:- Where a person is prosecuted for committing or abetting or attempting to commit any offence under Sections 3, 5, 7 and Section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

Sec.30: Presumption of culpable mental state:- (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.- In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

52. From a reading of Section 29 of the POCSO Act, it is obvious that if a person is prosecuted for committing or abetting or attempting to commit any offence under Sections 3, 5, 7 and Section 9 of the Act, the Court shall presume that such person has committed or abetted or attempted to commit the offence, as the case may be, unless the contrary is proved. As per Section 30 of the POCSO Act, in a prosecution for any offence under the Act which requires a culpable mental state on the part of the accused, the Court shall presume the existence of such mental state and it shall be for the accused to prove the fact that he had no such mental state with respect to the act

charged as an offence beyond reasonable doubt and not by mere preponderance of probability.

53. In the instant case, one of the charges framed against the accused is that he being the father of victim/PW2 has committed “aggravated penetrative sexual assault” as defined in Section 5(l) of the POCSO Act repeatedly upon the Victim/PW2 and thereby, he has committed an offence punishable under section 6 of the POCSO Act. As noticed above, with the evidence of the victim/PW2 and other evidence, the prosecution is able to prove that the accused has committed ‘aggravated penetrative sexual assault’ upon the victim/PW2. This upon, in view of the presumption contained in Section 29 of the POCSO Act, it is to be presumed that the accused has committed the said offence unless, the contrary is proved. This court shall also presume that the accused has culpable mental state on his part, which he shall disprove beyond reasonable doubt. From the suggestions put to Victim/PW2 the defence of the accused is that, he is no way connected with this case and that PW1 foisted false case against the accused and that she is deposing false as dictated by her mother and that she got pregnancy as she was with her boy friends, however the same were denied by PW2. For which, this court considers that it is unusual for a daughter to come up with a false story of Penetrative Sexual Assault so as to implicate her own father on the instructions of her mother/PW1. If the same is believed to be true, how the Investigating Officer could able to file the evidence under Ex.P4 and Ex.P12. Therefore, the defence of the accused is not believed by this court. Consequently, it

can not be said that the accused has rebutted the presumptions contained in Sections 29 and 30 of the POCSO Act.

54. For the reasons mentioned above, this court is of the opinion, that the prosecution is able to prove that the accused has committed rape/Aggravated penetrative sexual assault upon the victim/PW2. As already noticed above, in point No.1, the victim/PW2 was aged below 18 years. As noticed above, the accused has committed rape/penetrative sexual assault upon the victim/PW2 repeatedly and threatened her with dire consequences, which is punishable Under Section 64(2)(f) (m), 351(2) of the Bharatiya Nyaya Sanhita and 5(l) read with 6 of Protection of Children from Sexual Offences Act. Hence the accused is to be convicted for the offences with which he is charged. Thus, this point is answered accordingly in favour of the prosecution and against the accused.

Point No.3: To what relief?

55. In view of the findings in Point No.1 and 2, the accused is liable to be convicted for the offences Under Section 64(2)(f)(m), 351(2) of the Bharatiya Nyaya Sanhita and 5(l) read with 6 of Protection of Children from Sexual Offences Act, with which, he is charged, and he is accordingly convicted for the said offence under Section 258(2) of the Bharatiya Nagarik Suraksha Sanhita.

Typed to my dictation by the stenographer, corrected and pronounced by me in the open Court, on this the 12th day of August, 2026.

Fast Track Special Judge for Expeditious Trial and
Disposal of Rape and POCSO Act cases,
Medchal-Malkajgiri District at Neredmet.

56. Heard the accused on question of sentence. It is submitted by him that he is aged 45 years and he has no health issues and he has been in jail for the last more than one year and that and if he is sent to jail, he will suffer irreparably, hence lenient view may be taken. The learned Legal Aid Defence Counsel for the accused also requested to show some leniency in imposing the sentence against the accused by contending that the accused has been in Jail for the last more than one year. But, the offence alleged and proved against the accused is a heinous one and further minimum punishment of twenty years rigorous imprisonment is prescribed for the said offence. Hence, the accused cannot be let off without imposing any imprisonment.

Compensation to the victim / PW2:

57. Section 33 (8) of the POCSO Act says that in appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to her or for immediate rehabilitation of such child. Rule 9 (2) of the Protection of Children from Sexual Offences Rules, 2020 says that the Special Court may, on its own or on an application filed by or on behalf of the victim, recommend the award of compensation where the accused is convicted, or where the case ends in acquittal or discharge, or the accused is not traced or identified, and in the opinion of the Special Court the child has suffered loss or injury as a result of that offence.

58. The victim/PW2 because of the offence committed upon her by the accused, she was put to severe mental trauma and pain. This court considers that the accused being father is in Jail, the victim may not be having means to study and lead her life

hence, compensation should be awarded for her rehabilitation and education as the offence committed upon the victim/PW2 must have caused severe mental trauma to her. The physical and mental trauma suffered by her on account of the offence committed on her cannot be compensated in terms of money. But, having regard to the nature of offence committed upon the victim/PW2, her social status and financial condition, this Court considers it appropriate to recommend to the District Legal Services Authority, Medchal-Malkajgiri District at Kushaiguda to award compensation of Rs.3,00,000/- (Rupees Three Lakhs only) to her, which, in the opinion of this Court, would provide some succour to her in times of hardship and distress.

In the result, the accused is convicted for the offences Under Sections 64(2)(f) (m), 351(2) of the Bharatiya Nyaya Sanhita and Section 5(l) read with 6 of Protection of Children from Sexual Offences Act, under Section 258(2) of the Bharatiya Nagarik Suraksha Sanhita.

a. The accused is sentenced to undergo rigorous imprisonment for TWENTY years and pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default, to undergo simple imprisonment for SIX months for the offence under Section 5 (l) read with Section 6 of the POCSO Act.

b. The accused is sentenced to undergo rigorous imprisonment for Two Years and pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for Three Months for the offence under Section 351(2) of the Bharatiya Nyaya Sanhita.

c. The substantial sentences of imprisonment imposed against the accused for the offences under section 6 of POCSO Act and Section 351(2) of the Bharatiya Nyaya Sanhita sentences shall run concurrently.

d. In view of Section 42 of the POCSO Act, no separate punishment is being imposed against the accused for the offence Under Section 64(2)(f)(m) of the Bharatiya Nyaya Sanhita.

e. As seen from the record, the accused has been in jail in this case since 05.04.2025 till date i.e., 12.08.2026. The said period shall be given set off under Section 468 of the Bharatiya Nagarik Suraksha Sanhita against the substantial sentences of imprisonment imposed against him.

f. This Court recommends to the District Legal Services Authority, Medchal-Malkajgiri District At Kushaiguda to award a compensation of Rs.3,00,000/- (Rupees Three Lakhs only) to the victim / PW2 from and out of the victim compensation fund, within one month from the date of receipt of copy of this Judgment.

g. The accused is informed regarding his Right of Appeal and a free copy of Judgment is handed-over to the accused.

Typed to my dictation by the stenographer, corrected and pronounced by me in the open Court, on this the 12th day of August, 2026.

Fast Track Special Judge for Expeditious Trial and
Disposal of Rape and POCSO Act cases,
Medchal-Malkajgiri District at Neredmet.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

Prosecution Witness No.	Name of the Witness	Description / Role
PW1	XXX	Mother of the victim
PW2	XXX	Victim
PW3	XXX	Aunt of Victim (Pinni)
PW4	XXX	House owner of PW1/complainant
PW5	XXX	Friend of victim
PW6	XXX	In-charge Headmaster of School
PW7	Sri. C. Mahender	Panch witness for scene of offence
PW8	Dr. Rajeshwari	Doctor in Private Hospital
PW9	Sri. Daravath Srinu	Panch witness to the confessional statement of accused
PW10	Dr. Sarah Seemeen	Deputy Civil Surgeon in Area Hospital Malkajgiri
PW11	Smt. N. Annapurna	Woman Sub-Inspector of Police
PW12	Sri. R. Govind Reddy	Inspector of Police, Medipally PS/Investigating officer.

EXHIBITED DOCUMENTS

Exhibit No.	Description of the Exhibit	Proved / Attested by
Ex.P1	Complaint dated 02.03.2025	PW1
Ex.P2	Bonafide certificate of the victim dated 03.03.2025.	PW6
Ex.P3	CDF along with rough sketch	PW7
Ex.P4	Medical prescription of the victim girl dated 17.04 2025	PW8

Exhibit No.	Description of the Exhibit	Proved / Attested by
Ex.P5	Confession statement of accused.	PW9
Ex.P6	Age certificate of victim.	PW10
Ex.P7	Medical examination report for sexual assault of victim dated 02.03.2025.	PW10
Ex.P8	Final opinion dated 16.04.2025	PW10
Ex.P9	Potency test of accused dated 05.04.2025	PW10
Ex.P10	FSL report dated 07.04.2025	PW10
Ex.P11	First Information Report dated 02.03.2025	PW12
Ex.P12	Consultation receipt dt:24.02.2025 along with Ultrasound scan of abdomen of victim dt:18.02.2025.	PW12

DEFENCE WITNESSES

Witness No.	Name of the Witness	Description / Role
DW	None	Nil

EXHIBITED DOCUMENTS

Exhibit No.	Description of the Exhibit	Proved / Attested by
Ex.D	Nil	Nil

MATERIAL OBJECTS

Material Object No.	Description of the MO	Proved / Attested by
MO	Nil	Nil

**Fast Track Special Judge for Expeditious Trial and
Disposal of Rape and POCSO Act cases,
Medchal-Malkajgiri District at Neredmet.**