

GAHC040013692024



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

ITANAGAR PERMANENT BENCH

CRIMINAL APPEAL 28 (AP)/2024

Sri Likha Nega
S/O- Lt. Likha Tara,
R/O- Taib Village,
PO/PS: Yazali
Dist: Lower Subansiri, Arunachal Pradesh

----- **Petitioner.**

– ***VERSUS*** –

1. The State of Arunachal Pradesh.
2. Miss “x” D/O- Y
R/O Village- Z,
PO/PS: Yazali
Dist: Lower Subansiri, Arunachal Pradesh

-----**Respondents**

BEFORE

HON’BLE MR. JUSTICE KALYAN RAI SURANA
HON’BLE MR. JUSTICE PRANJAL DAS

Advocated for petitioner:

Mr. D. Mazumdar,

Mr. S. Biswas, Advocate

Advocate for Respondent:

Mr. L. Hago, learned Addl.PP(AP)

Ms. N. Danggen, Advocate

Date on which judgment is reserved : 12.11.2025

Date of pronouncement of judgment : 21.01.2026

**Whether the pronouncement is of
the operative part of the judgment? : No**

Whether the full judgment has been Pronounced? : Yes

JUDGMENT & ORDER (CAV)

(Pranjal Das, J)

1. Heard Mr. D. Mazumdar, learned senior counsel assisted by Mr. S. Biswas, learned counsel for the appellant. Also heard Ms. L. Hago, learned Additional Public Prosecutor for respondent No.1 and Ms. N. Danggen, learned Amicus Curiae appearing for respondent No.2.

2. The prosecution case in brief before the learned court below is that on 22/07/2021, FIR was received from the alleged victim girl with the allegations that the accused Likha Nega, who is her related brother, committed rape upon her since 2014-2015 when she was only 8 years old and repeatedly raped her until 16th June 2021. It is also alleged that the accused threatened to kill her if she discloses the matter to anyone. On the basis of the FIR, Woman P.S. Ziro Case No.05/2021 was registered under Section 506/376AB/376(2)(n) IPC read with Section 6 of the POCSO Act and investigation started. After completion of investigation, the investigating officer upon finding sufficient materials

submitted charge sheet against the accused under Section 506/376AB/376(2)(n) IPC, read with Section 6 of the POCSO Act. Subsequently, the learned trial court was pleased to frame charges against the accused under Section 6 of the POCSO Act, 2012 read with Sections 376AB/376(2)(n)/506 IPC. The charge upon being denied by the accused led to commencement of trial.

3. During the trial before the Learned Court below, the prosecution examined **nine witnesses**, including the victim, who was also the informant, investigating officer, medical officer, and other witnesses. After the prosecution evidence, the accused was examined under section 313 Cr.P.C. From the side of the accused, he examined as many as **seven witnesses**, including himself as DW5. The court also summoned **two court witnesses**, who were examined as CW1 and CW2.

4. The learned senior counsel assailing the impugned judgment, submits that the prosecution was not able to prove its case convincingly before the learned trial and hence, the conviction and sentence is bad in law and facts. It is submitted that the story of the prosecution about the victim being raped in the house of her elder brother, when other family members were present raises doubts regarding its veracity. It is submitted that though it is alleged that the victim has been subjected to sexual assault from 2014, but specific details regarding the same have not been given, casting doubt on the story. It is submitted that the accused has been falsely implicated in the case. It is submitted that there is discrepancy regarding the age of the victim in her Aadhaar Card as well as her birth certificate, and rather, there emerges a possibility of the victim having a different age from what has been projected. With regard to the alleged incident on 16th June 2021, it is submitted that it has emerged from the testimony of defence witnesses, including the wife of the

accused, that at that time he was not present at the place of occurrence, and the alleged sexual assault could not have taken place in those circumstances. The Learned Senior Counsel appearing for the accused submits that the evidence, including the testimony of the victim, are not of such a quality that they can be relied on to attribute guilt to the accused. It is submitted that the impudent judgment suffers from infirmities and should be set aside.

5. On the other hand, the Learned Additional PP appearing for the State submits that the prosecution has been able to cogently prove its case before the learned trial court. The testimony of the victim, including her statement before Magistrate, has been consistent and trustworthy. And the testimony of the victim itself sufficiently proves the prosecution case. However, during the trial, the testimony of the other prosecution witnesses fully supports the testimony of the victim and therefore, the prosecution has been fully successful in proving its case before the learned trial court. It is submitted that the accused was rightly convicted and sentenced for his heinous crime.

6. The Learned Amicus Curiae appearing for respondent No.2./ informant-victim supports the stand of the prosecution and submits that the evidence on record has sufficiently implicated the accused, and that, the Learned Trial Court has not committed an error in holding that the accused was responsible for committing sustained assault on the victim starting from 2014, when she was of tender years. The Learned Counsel prays for upholding the judgment of conviction and sentence.

7. I have perused the appeal memo, the impugned judgment, the evidence on record, and other relevant materials. I have considered the submissions of the learned defence counsel, the prosecution and also that of the learned Amicus Curie, appearing for the victim.

8. At first, the testimony of the victim as **PW1** needs to be read and analyzed. At the time of examination on 27th January 2022, she indicated her age to be 15 years and identified the accused person shown to her in the computer screen through video conference. And she stated that his name is *Likha Nega* and he is her clan brother. Testifying, **PW1** stated that she met the accused person for the first time in 2014 at C sector, *Yazali*, when she was living in the residence of her elder brother, *Likha Bapu*. And that one night the accused slept in the same residence and since she was a child and like a daughter to the accused, therefore her elder sister, late *Likha Maniam*, allowed her to sleep with the accused due to lack of bed. But at night, the accused touched her breast and private parts. **PW1** testified that at that time she was only 8 years old and studying in Class III in Government Middle School, *Yazali*. Testifying further, **PW1** stated that in the same year, her elder sister named above got ill and went to *Naharlagun* and she was left alone in the residence, whereupon, the accused came and forcefully raped her by committing forceful sexual intercourse and threatened to beat her if she raised any complaint against him. The accused had taken a rented house at *Yazali* and whenever he was at *Yazali*, he used to rape the victim continuously in his residence. **PW1** testified that she was raped from 2014 to 2015 on various dates and at that time she had not attained puberty.

9. Testifying further, **PW1** stated that from 2015 to 2017, she was at *Naharlagun* with her maternal aunt for studies. But in 2017, she came back to her village at *Taib* due to the sickness of her elder sister and admitted in Class IV at Government Middle School, *Taib*. And after passing Class V, she got admitted in Class VI at Government Middle School in the village.

10. Testifying further, **PW1** stated that when she came back to her village at

Taib in 2017, initially she started avoiding the accused person who at that time had a small shop in the village. But once when she went to buy something, the accused caught hold of her and again raped her. She testified that after she had left *Yazali* and stayed in *Naharlagun*, the accused could not rape her but after coming back to the village, the accused again started raping her. And that from 2017 to June 2021, the accused raped her several times at the village at *Taib* and *Yazali*. **PW1** further testified that in 2020, she missed her periods, whereupon the accused gave her some medicines, leading to heavy menstrual periods and making her sick. She also testified that the accused had given her a mobile phone and used to call her in that mobile phone, but later the mobile was returned to the accused person.

11. **PW1** further testified that on 16th June 2021, due to the demise of a relative, she was in the residence of Likha Topu. But at night, the accused took her to a nearby jungle and raped her. She further stated that the daughter of Likha Topu and she slept in the car of the accused person and in the morning, when she came out of the car, her sister-in-law, Likha Aja saw her and doubted whether she had a physical relationship with the accused person. And when she was enquired, she told them the entire ordeal from 2014 onwards and as to how the accused had been raping her. **PW1** further testified that on 22-07-2021, she lodged the FIR whereupon she was medically examined and also gave her statement to police and Magistrate. As part of her testimony, she proved the FIR as *Exhibit 1* and her signature thereon as *Exhibit 1(A)*. She also proved her statement before Learned Judicial Magistrate as *Exhibit 2* and her signature on it as *Exhibit 2 (a) (b) (c)*. She also proved as *Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6* and *Exhibit 7*, the different places where she was subjected to rape by the accused. She also proved the Aadhaar card as *Exhibit 8* and her

birth certificate as *Exhibit* 10. She further testified that the date of birth recorded in her Aadhaar card as 4-12-2006 is her correct date of birth and that her date of birth was reduced in her birth certificate as 18-10-2010 for academic purposes. **PW1** was cross-examined by the defence in which she stated that in 2014 she was in Class 3 and she reiterated that she was raped from 2014 to June 2021 except during the time when she was at Naharlagun. She reiterated that she was raped when she was 8 years old. She further clarified that her Aadhaar card was prepared before her birth certificate. She further testified that she told about her rape to her elder sister, Likha Maniam and she told that she will look into it but no action was taken. In **cross-examination**, she stated that she had disclosed about her rape to Likha Loma, Likha Tacho, Likha Azar and Likha Yakam. Before proceeding with the other parts of the prosecution evidence, the statement of the victim girl recorded before Learned Judicial Magistrate during investigation may be looked at. As already stated, during the trial as part of her testimony, **PW1** has exhibited and proved the said statement as *Exhibit* 2 and also her signatures thereon.

12. Her statement was recorded before the Learned CJM Ziro on 23-07-2021 in which she indicated her age as 14 years. She has made a detailed narration in her said statement, stating that she lived in C-Sector *Yazali* with her elder brother, Likha Bapu and she knew the accused and his wife, Debia Yam was a friend of her elder sister, Likha Maniam. She further stated that in 2014, Nega and his wife came to stay over in their house and at that time she was in Class III. She further stated that later at night, Nega's wife and her elder sister slept on the floor and she was asked to sleep on the bed with the accused in the same room and that Likha, the accused was her cousin and she was very young at that time. However, at night when everyone was asleep, the accused started

touching her inappropriately and groped and touched her chest and private parts and he inserted his hands inside her underwear and touched her vaginal area.

13. She stated that at that time, her breast was not developed. The accused threatened to beat her if she reported the incident to anyone. The victim further stated that after some months, her sister became sick and she went to Itanagar for treatment, leaving her alone in the house and taking advantage of the same. The accused came to her room and forcibly took her to his bed and raped her. Thereafter, he used to come to the room at night and forcibly rape her. She further stated that initially he did not insert his penis but after a few days he started fully inserting his penis causing her a lot of pain and she cried but he covered her mouth and threatened to harm her if anyone listened to her noise and came to the room. The victim further stated that the accused raped her repeatedly for many nights and after the return of her sister also, she did not report out of fear. The victim further stated that even thereafter he used to rape her whenever her sister was away from home and that on one occasion he beat her when she cried after he had raped her. The victim stated that his dirty acts went on from 2014 to 2015 and in 2015, she went to Itanagar to live and study but returned to *Yazali* in 2017 and after returning she went to her village in Tabi, *Yazali* where the accused also stays and though she tried to avoid him, but one day he caught hold of her near an empty hotel in the village and raped her; whereupon she cried; then he stopped and asked her to go to her home and warned her not to inform anyone. She also stated that the accused used to take her to the house of Debia Tarja and rape her, sometimes to his shop and rape her. She further stated that the accused also used to take her to his room in *Yazali* and rape her several times. He also gave her money but he also used to

stalk her and threaten her. The victim girl further stated that in this way the accused was raping her from 2014 to 2015 and thereafter from 2015 till recently. She further stated that he followed her several times while she was going to school and raped her after forcibly taking her to the jungle. She also stated about missing periods in 2020 whereupon he gave her medicine leading to heavy menstrual period. She has also stated about the accused giving her a phone and calling her repeatedly on that and later the phone breaking down. She further stated that in April 2021, her brother Likha Bapu became suspicious and enquired but she did not disclose anything. However, she finally decided to report the matter and on 18.07.2021, she reported the incident to her elder brother and thereafter the matter was reported to police on 20.07.2021.

14. Upon carefully analyzing and appreciating the testimony of the victim during the trial and her statement before the learned CJM during investigation, I find that the narration of events tallies and corroborates one another. These statements if accepted as true, clearly reveal that the accused subjected the victim to numerous sexual assaults, and rape over a considerable period starting from 2014 when she was a tender age of 8 years. The testimony of the victim girl during trial has remained unshaken in **cross-examination**. Her testimony about repeated sexual abuse ever since it started in 2014 has not been able to be demolished in **cross-examination**.

15. We find the testimony of the victim on its own to be cogent and consistent and standing its ground in **cross-examination**. Further, lending support to the testimony of the victim during the trial is her statement recorded during investigation before learned CJM. As already mentioned above, the allegations and the narration of events of sexual abuse and rape tally with and lend corroboration to her testimony regarding the same during the trial. She has

exhibited the said statement and her signatures during the trial. Therefore, I find that not only the testimony of the victim girl during trial has been cogent and consistent, standing its ground in **cross-examination**, but it also receives significant and substantial corroboration from her statement recorded before learned CJM during investigation.

16. We next go to the testimony of the doctor who had examined the victim after lodging of the case and during investigation. The said medical officer is *Dr. Derin Likar* and he has testified as **PW8** in which he has stated that on 22-07-2021, while working as a medical officer at Gyati Dhaka District Hospital Ziro, he was asked by the IO to medically examine the victim. It was alleged that the victim was repeatedly raped from 2014 to 16-06-2021. PW8 testified that the victim was produced after more than a month of her rape and during examination, he did not find any external injury on her body or private parts and he could not determine whether she was subjected to any forceful sexual intercourse and that it was not possible for him to determine whether the victim was raped since 2014.

17. However, one very important finding of the medical witness is that he found that the hymen of the victim was open and therefore, he cannot rule out that she was subjected to sexual intercourse by a male person. He proved the medical report as *Exhibit P13* and his signature as *Exhibit P13(A)*. In **cross-examination**, he reiterated that he found the hymen open, clarifying further that generally, hymens remain closed but in exceptional cases, the hymen may be open; such as in a woman actively involving in sports or sustaining injuries other than sexual intercourse. He stated in **cross-examination** that in rare cases, some women may have open hymen. He also stated that as per her physical appearance, the victim would be 14 to 17 years of age at the time of

her examination on 22-07-2021.

18. Thus, for the medical witness, the most important finding that has emerged is that her hymen was found to be open, indicating activity of sexual intercourse in the past. Therefore, we are of the considered opinion that the medical opinion is consistent with the testimony of the victim during trial and her statement before Magistrate during investigation. Rather, the aforesaid medical finding lends support and corroboration to the story of the victim girl about being subjected to sexual intercourse by the accused.

19. **PW2**, *Likha Bapu* is the stepbrother of the victim and in his testimony, he has confirmed that the victim was staying with him along with her elder sister at C-Sector *Yazali* from 2012-2014 and that she went to Naharlagun in 2015 and returned in 2017 back to her village at Taib to look after her late elder sister. He further confirmed that the victim studied from class 1 to Class III at *Yazali* by staying there. From his testimony, it appears that initially he heard about an affair between the victim and the accused and later upon being enquired by *Likha Loma*, *Taka Mazhar*, *Likha Tacho* and *Taba Yakam*, the victim told them that since 2014 to June 2021, the accused has been committing forceful sexual intercourse with her.

20. He further testified that upon enquiring from the victim, she confirmed that the accused had committed sexual intercourse with her since 2014 and she has decided to speak the truth to the police by lodging a FIR. He also testified that the victim was last raped on 16th June 2021 when she was attending a funeral of one relative. **PW2** has proved as *Exhibit 3* the photograph of the PO where the victim was raped for the first time. He has also testified about the date of birth recorded in Aadhaar card of the victim to be the correct one. In

cross-examination, PW2 has reiterated that the victim was raped from 2014 to 2021 except for the period when she was in Naharlagun. He admitted that he had not seen the commission of rape and later came to know about it. He clarified in **cross-examination** that the date of birth of the victim given in the Aadhaar card is correct and date of birth given in the birth certificate is incorrect.

21. From the testimony of **PW2**, I find that the said testimony of **PW2** corroborates the version of **PW1** about staying at *Yazali* during the period when the abuse initially started and thereafter there was a break in the abuse when she went to Naharlagun and again resumed after she returned to the village in 2017, culminating in the act of rape in June 2021 during a funeral. The testimony of **PW2** also corroborates and supports the testimony of the victim.

22. The testimony of **PW3**, *Debia Sakha*, sister-in-law of the accused is not very relevant as she has only heard about a relationship between the accused and the victim. Though she was cross-examined but nothing significant emerges in the **cross-examination** as well.

23. **PW4**, *Likha Tacho*, is the own elder sister of the victim and in her testimony, she stated that initially she heard about an illicit relationship between the accused and the victim but later after speaking to her sister victim, it was disclosed to her that the accused had been forcefully committing rape on her since 2013-14 when she was studying in Class III at *Yazali*. **PW4** also testified that the victim was first raped when she was 8 years old, thereby corroborating the testimony of the victim in this regard in her deposition as well as in her statement before Magistrate recorded during investigation. **PW4** also testified that the victim told her that the accused had threatened to kill her if she disclosed about the incident. In **cross-examination**, she admitted that she

had not seen the accused committing rape on the victim. Regarding the age of the victim, she stated that as per her knowledge, the date of birth of her sister is 4-12-2006 and that she was stating the said date of birth on the basis of her Aadhaar card. She reiterated in **cross-examination** that she was disclosed by the victim that she was raped a number of times by the accused person.

24. Thus, the testimony of **PW4**, though a relative of the victim, lends support to the basic allegation against the accused about continually committing sexual abuse in the nature of rape upon the victim since her tender age in 2014.

25. *Likha Loma* is an elder brother of the victim and testifying as **PW5** during the trial, he stated that, initially he heard that there was an illicit relationship between the two and upon asking the victim told her told him that accused raped had raped her when she was studying at *Yazali* and living in the residence of *Likha Bapuand* when she was around 8-9 years old. **PW5** testified that the accused repeatedly raped his sister and on 16-6-21 she was raped for the last time. He also corroborated the testimony of the victim in this regard that she was threatened not to disclose about the incident. In **cross-examination**, **PW5** reiterated that the accused had forcefully committed rape on the victim. He clarified in **cross-examination** that when the incident of sexual abuse started in 2013-14, he was also staying in that place, but the said incidents might have taken place in his absence.

26. Wife of the accused *Debia Neme* testified as **PW6** during the trial and she has only stated about the accused being arrested by the police with the allegation of raping the victim. It emerges from a court question that she married at the age of 10 years when she was in class IX and she could not give a satisfactory answer to the question of the court as to how she married at the age of 10 years when she was in class IX. She was also cross-examined in

which she testified that on 16-6-21, she was present with her husband and the allegation of his committing rape on that day is false.

27. **PW7** *Tashi Wangchu* is an official witness being a Circle Officer *Yazali* at that time and he has testified regarding the birth certificate dated 29-09-2016 issued to the victim girl showing her date of birth as 18-10-2010. At the time of deposition, he testified about bringing the original register and the relevant documents. In **cross-examination**, he clarified that there was no application from the side of the victim to correct her date of birth. He expressed ignorance as to whether her date of birth is different in her Aadhaar card.

28. Inspector of Police *Pansam Mirip* is the investigating officer of the case and he testified as **PW9** during the trial. In his testimony, he has corroborated the statement of the victim during her deposition that the date of birth in the birth certificate and other card is not the same and it came to be known that age of the victim was reduced in the birth certificate for academic purpose and that her date of birth of 4-12-2006 recorded in the Aadhaar card is the correct date of birth. He has testified about investigation revealing about the accused committing rape upon the victim aged only 8 years at that time when she was staying at *Yazali* C sector with her elder sister and also about investigation finding materials regarding the continuous sexual abuse of the victim over the entire period till 2017 except for the time when she was in Naharlagun. He proved the FIR as *Exhibit* P1 and his signature as *Exhibit* P1B. He also proved as *Exhibit* P3, P4, P5 photographs of the places where the victim was raped by the accused on different occasions. He also proved as *Exhibit* P6 and P7 photographs of the place where the victim was raped on 16-06-2021. He also proved the corresponding signatures of his on those documents. He also proved the Aadhaar card of the victim as *Exhibit* P8. The testimony of the investigating

officer as **PW9** has remained unshaken in **cross-examination**. He has stated that regarding the delay of a month in lodging the FIR - that the delay was due to the victim not disclosing the offence initially before brothers, but subsequently disclosed about the offence when she was persuaded by her brothers to speak the truth. One important statement of the IO in **cross-examination** is that when the victim came to lodge the FIR she was very afraid that the accused may harm her and her family members and to ensure her safety she was handed over to the Child Welfare Committee and kept in Child Care Institute at Ziro for two days.

29. Thus, I find that the testimony of the IO as **PW9** also lends broad corroboration to the testimony of the prosecution case and the story of the prosecutrix being subjected to sustained sexual abuse right from the time when she was of tender years.

30. Regarding the age of the victim, from the testimony of the IO, her stepbrother and her close relative, it has clearly emerged that there is a discrepancy between her date of birth in the Aadhaar card and in the birth certificate and that the one reflected in the Aadhaar card is the actual date of birth and that her age was reduced for the birth certificate for academic purpose. However, it is also revealed by the other evidence that there was no effort on their part to correct the same. Nevertheless, if one goes by the date of birth of 4-12-2006, the victim was barely 8 years when she was first subjected to sexual abuse and rape. We have also gone through the replies of the accused in the statement recorded under section 313 Cr.P.C. Most of the replies are in the way of denials.

31. The court has examined two court witnesses regarding an RTI application received from on *Nabam Tath* regarding the birth certificate and date of birth of

the victim. It is interesting to know that the said *Nabam Tath* adduced evidence on behalf of the accused as **DW-4**. As per the testimony of **CW-1**, the information was furnished regarding the date of birth of the victim. **CW-2 Pill Masam** has also deposed regarding the birth certificate, the information furnished regarding the date of birth of the victim.

32. The learned trial court in the impugned judgment has drawn an adverse inference with regard to the testimony of CW-1 vis-à-vis the deposition of CW-4 *Nabam Tath* and held that there was an effort from the side of accused to procure a date of birth certificate of the girl to prove that she was not a minor at the time of the alleged incident. The testimony of **DW-4 Nabam Tath** also admits that he obtained date of birth information by filing RTI application indicating that she was born on 5-02-2002. However, it is also admitted that he had not taken any consent from the victim or permission from the court.

33. Therefore, this testimony of **DW-4** regarding the date of birth being 5-02-2002 has to be taken with a pinch of salt. Though the accused Likha has testified as DW-5, he has stated in his deposition that the allegation of rape is false and he does not know why she has lodged a false case against her. He denied that he had committed sexual intercourse upon the victim from 2014.

34. Another statement made by accused **DW-4 Nabam Tath** in his **cross-examination** by the prosecution is that in 2017 he had cardamom plantation boundary dispute with elder brother of the victim and that dispute is yet to be resolved. **DW-6** Likha Topu also stated about the accused and Likha Tacho elder brother of the victim having a dispute over cardamom plantation in June or July 2017.

35. However, it is important to note that this story about dispute over

cardamom plantation was not put to any of the prosecution witnesses, including the victim and her close family members. The IO has also not stated anything regarding any such dispute leading to any enmity, as part of the investigation revealed from his testimony. Therefore, the story of this dispute possibly leading to false implication appears to be an afterthought. In any case, the dispute is stated to have taken place in 2017 though by that time a substantial sexual abuse upon the victim had already taken place, starting from 2014, as per the testimony of the victim and other witnesses.

36. Upon perusing the testimony of the defense witnesses, we are of the considered opinion that the defence evidence have not been able to dislodge the prosecution case and make any significant dent on the prosecution story about the accused starting sexual abuse by way of intercourse upon the victim from her tender years of 8 years approximately and continuing it till 2021, except for a brief period in between when she had gone to Naharlagun.

37. Upon perusing the entire prosecution evidence on record, we come to the considered finding that the testimony of the victim supported by her statement under Section 164 Cr.P.C. recorded before Magistrate can be relied upon and is cogent, consistent and stood its ground in **cross-examination**.

38. The finding of the medical officer about open hymen and possibility of intercourse lends further corroboration to the testimony of the victim. Further, the testimony of PW2, PW4, PW5 lends sufficient corroboration to the testimony of the victim about suffering sustained sexual abuse at the hands of the accused right from about 8 years of age.

39. The discrepancy regarding date of birth would not materially affect the prosecution case, because even going by the date of birth of 2006, the victim

was a minor at the time of the first abuse and the sustained abuse subsequently.

40. In any case, considering the clear evidence about the victim being a minor, any consent on her part to the sexual acts would be immaterial. However, from the testimony on the record, it is consistently revealed that the entire saga of sexual abuse was without the consent of the victim, though the issue of consent was immaterial.

41. As rightly held by the learned trial court, the effort of the accused and the defence witness to procure a date of birth of the victim and trying to show her as a major weakens the defence case and rather lends strength to the prosecution case. Despite the examination of several witnesses on behalf of the accused, including the accused himself, the said evidence has not been able to dislodge the prosecution case. Thus, upon appreciating the evidence on record, we come to the **considered finding** that the accused was responsible for inflicting sustained sexual abuse in the form of sexual intercourse upon the victim girl from a tender age and on numerous occasions.

42. Therefore, to that extent, there is no infirmity in the finding of the learned trial court in convicting the accused under section 6 of the POCSO Act 2012. For the conviction of the convict appellant accused, he has been imposed with a minimum sentence of 20 years' rigorous imprisonment.

43. We are of the considered view that there is no scope for showing any leniency and making any modification on the lower side with regard to the sentence, which in any case, is the minimum sentence imposed by the learned trial court.

44. Consequently, the **impugned judgment dated 14.08.2024** and

sentence dated 30.08.2024 passed by the learned Special Judge in **POCSO Case No. 09/2021** {*arising out of Ziro WPS Case No. 05/2021*} is hereby **upheld and confirmed.**

45. We also find that in exercise of powers under 357A Cr.P.C., the learned trial court has directed payment of Rs. 5,00,000/- (Rupees Five lakh only to the victim through the learned secretary DLSA, Ziro. Considering the sustained abuse faced by the victim since tender years and the likely impact on her emotional state, we are of the view that the victim compensation amount should be enhanced and therefore, the **victim compensation amount is hereby enhanced to Rs. 10,00,000/- (Rupees Ten lakhs only)** and shall be processed and paid through the office of the learned Secretary, District Legal Services Authority (DLSA), Ziro, Arunachal Pradesh. The State of Arunachal Pradesh shall make available necessary funds for such disbursement.

46. A copy of this order shall be sent to the learned Secretary DLSA, Ziro for information and the needful.

47. The instant criminal appeal accordingly stands **dismissed** and disposed of on the aforesaid terms.

JUDGE

JUDGE

Comparing Assistant