

IN THE COURT OF FAST TRACK SPECIAL JUDGE FOR TRIAL AND DISPOSAL OF
RAPE AND POCSO ACT CASES RANGA REDDY DISTRICT AT L.B. NAGAR.

Tuesday the 29th day of September ,2026.

Present: Smt. M.K. Padmavathi,
Fast Track Spl. Judge for Trial and
Disposal of Rape and POCSO Act cases,
R.R.District at L.B.Nagar

SC.SPL/210/2025.
(Cr.No. 09 of 2025 P.S. Pahadishareef.)

1	Name of the complainant	The Inspector of Police, PS. Pahadishareef, Rachakonda, Commissionerate.
2	Name of the accused	Mohammed Munawar Hussain S/o Mohammed Mahmood, age: 30 years, Occ: Teacher (Molisab at Madarsa Islamia Kashiful Uloom, Mamidipally village), R/o Madarsa Islamia Uloom, Mamidipally village, Balapur mandal, R.R. District, N/o Dariyapur village, Dagarwa mandal, Purnia District, Bihar State.
3	Offences charged of	Under section 351 of BNS and section 5(l) read with 6, section 5(p) read with 6, section 5(o) read with 6, section 5(f) read with 6 of POCSO Act.
4	Crime No.& Name of the PS	09 of 2025 P.S, Pahadishareef.
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 found guilty of the offences punishable

	under under Section 351 of the Bharatiya Nyaya Sanhita, 2023, and Sections 5(f) read with 6, 5(l) read with 6, 5(o) read with 6 and 5(p) read with 6 of the Protection of Children from Sexual Offences Act. Accordingly, accused is convicted under Section 258(2) of the Bharatiya Nagarik Suraksha Sanhita. In the result, the accused is convicted under Section 258(2) of the BNSS for the offence punishable under Section 5(f) of the Protection of Children from Sexual Offences Act, 2012, which is punishable under Section 6 of the said Act, and he is sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.5,000/- (Rupees five thousand only). In default of payment of fine, he shall suffer simple imprisonment for a period of two months. The convict/accused is also sentenced to suffer rigorous imprisonment for life and also to pay a fine of Rs.5,000/- (Rupees five thousand only) in default to suffer simple imprisonment for two months, for the offence under Section 5(l) of the Protection of
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	Children from Sexual Offences Act, 2012 which is punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012. The convict/accused is also sentenced to suffer rigorous imprisonment for life and also to pay a fine of Rs.5,000/- (Rupees five thousand only) in default to suffer simple imprisonment for two months, for the offence under Section 5(o) of the Protection of Children from Sexual Offences Act, 2012 which is punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012. The convict/accused is also sentenced to suffer rigorous imprisonment for life and also to pay a fine of Rs.5,000/- (Rupees five thousand only) in default to suffer simple imprisonment for two months, for the offence under Section 5(p) of the Protection of Children from Sexual Offences Act, 2012 which is punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012. The convict/accused is also
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	sentenced to suffer rigorous imprisonment for two years (2) and also to pay a fine of Rs. 500/- (Rupees five hundred only) in default to suffer simple imprisonment for 15 days, for the offence under Section 351(1) of BNS. The fine amount of Rs.20,000/- (Rupees twenty Thousand) imposed against the accused for the offences under Section 5 (f), 5(l), 5(o), and 5(p) read with Section 6 of the POCSO Act, shall be paid to the victim-boy/PW.3 to meet medical expenses and his rehabilitation. All sentences of imprisonment imposed against the accused shall run concurrently. The remand period undergone by the accused shall be given set off under Section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The accused is informed about his right to prefer appeal before the Hon'ble High Court against the Judgment passed by this Court. The accused is also informed as to the right to seek legal aid to prefer an appeal before the Hon'ble High Court. Accused is furnished the copy of Judgment on free of cost in compliance of
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	<u>Section 404 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).</u> As the accused stands convicted for the offences punishable under Section 351 of the Bharatiya Nyaya Sanhita, 2023, and Sections 5(f) read with 6, 5(i) read with 6, 5(l) read with 6, 5(o) read with 6 and 5(p) read with 6 of the Protection of Children from Sexual Offences Act, 2012, this Court has carefully considered the circumstances of the case and the impact of the offences upon PW3, the victim boy, who was about 13 years of age at the relevant time. The evidence on record shows that the victim was subjected to forcible anal penetrative sexual assault and was also threatened by the accused, resulting in physical injury, mental trauma and serious impact upon his dignity and emotional well-being. Considering the tender age of the victim, the nature and gravity of the offences, the physical injuries suffered by him, and the need for his continued rehabilitation, this Court is of the view that adequate compensation is necessary to assist him in his recovery and future well-being. The compensation is intended
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		to support his medical and psychological care, education and rehabilitation and to enable him to rebuild his life with dignity. Accordingly, an amount of Rs.2,00,000/- (Rupees Two Lakhs only) is awarded as compensation to PW3, the victim boy, towards his rehabilitation, education and welfare. The Secretary, District Legal Services Authority, is directed to take necessary steps for payment of the said compensation from the Victim Compensation Fund, at the earliest, in accordance with law. MO1 I.e, Red colour Honda Bike Bearing No. TG 07 09436. is ordered to be confiscate to state after expiry of appeal time.
8	Name of the prosecution counsel	Sri. K. Krishna Prasanna.
9	Name of the Defence counsel	Sri. Mohd. Fayaz Ali.
10	Remand period	13-01-2025 to 26-03-2025.

This case is coming before me for final hearing in the presence of Sri. K. Krishna Prasanna, Addl Public Prosecutor for the State and of Sri. Mohd Fayaz Ali, Advocate for the accused and upon hearing both sides and perusing the material on record, this Court delivered the following:

: J U D G M E N T ::

1. The Inspector of Police, PS. Pahadishareef, Rachakonda, Commissionerate.. Charge sheet in Cr.No. 09 of 2025 against above named accused person for the offences punishable Under Sections 351 of BNS and section 5(f)(1) read with 6 of POCSO Act 2012.

2. The gist of the prosecution case reads as follows:-

On 04-01-2025 at 01:00 PM, LW/1, the father of the victim boy, lodged a complaint stating that about 14 years ago he married LW/2 Nazima Begum in the presence of elders. They were blessed with two sons and one daughter. The complainant works as a driver and often travels out of state for duty. His elder son, the victim boy, studied up to 6th class at IGN Grammar School, Chandrayangutta, and was later admitted to Islamia Kashiful Uloom Madrasa, where he stayed and visited home once every 15 days. On 26-12-2024, the complainant brought his son home from the Madrasa, and the boy complained of ill health. On 27-12-2024, in the morning, the complainant took him to a clinic, where the doctor examined him, found an infection in his private parts, and prescribed medicines. The complainant then left for Bangalore on duty, while his son remained at home. On 01-01-2025, the victim informed his mother that he was experiencing severe pain and itching in his private parts. When questioned, the boy revealed that on 25-12-2024 at about 05:00 PM, the accused, Madrasa teacher Hafiz Munawar (Moulvi), near Mamidipally, took him in a vehicle to a room near Masjid-E-Rehemath Unnisa, Rajiv Gandhi Nagar, Pahadishareef, and committed unnatural sex by penetrating him from behind. The accused also threatened him and forced him to touch his private parts.

The victim further stated that the accused had similarly assaulted him two days earlier. The complainant's wife immediately informed him of these facts over the phone. The complainant returned home without delay and lodged the present complaint against the accused. Hence the complainant requested to take necessary action.

2(i). Basing on the contents of the complaint, LW-16 registered a case in Cr. No. 09/2025, U/s 5(f)(1) r/w 6 of POCSO Act and took up its further investigation.

2(ii). LW-16 examined the complainant/father (LW-1), mother (LW-2), and victim boy (LW-3) at Pahadishareef Police Station, recording their statements in Part-II CD. He collected the victim's Aadhaar card and birth certificate, both confirming the date of birth as 29.07.2011, establishing that the boy was a minor at the time of FIR. LW-16 visited the scene of offence at Masjid-E-Rehamath Unnisa, Rajiv Gandhi Nagar, but found no incriminating material. Mediators LW-6 and LW-7 were secured, and a Crime Details Form with a rough sketch was prepared. He also visited Madarsa Islamia Kashiful Uloom, Mamidipally, examined LW-4 and LW-5, and recorded their statements. During LW-16's leave, LW-15 took over the investigation. On 13.01.2025, acting on credible information, LW-15 apprehended the accused at Madarsa Islamia Kashiful Uloom. In the presence of mediators LW-8 and LW-9, the accused confessed to sexually assaulting the minor victim. Pursuant to the confession, LW-15 seized a blue Oppo mobile phone and a red Honda bike (No. TG 07 D 9436) from his possession, and added Section 351(2) BNS.

2(iii). The accused was arrested at 08:15 hours, grounds explained, and intimation given to his wife under Sections 47 and 48 BNSS. He was medically

examined at Govt. Area Hospital, Vanasthalipuram, declared fit for remand, and produced before the Court. After resuming duty, LW-16 re-took charge, verified the confession and remand report, and found them proper. With Court's permission, LW-16 subjected the accused to a potency test at Osmania General Hospital. LW-12 issued report No. 47/FMT/OGH-OMC/2025 dated 30.01.2025, concluding that the accused was capable of sexual intercourse. He was thereafter re-lodged in Central Prison, Cherlapally.

2(iv). The victim boy was produced before the Hon'ble Court for recording his statement under Section 183 BNSS. LW-14, Smt. Narmada, FAC Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, LB Nagar, recorded the statement in detail. LW-16 collected a certified copy for record. On requisition, LW-10 furnished the bonafide certificate of the victim boy confirming his date of birth as 29.07.2011, consistent with Aadhaar and birth certificate. LW-16 examined the Headmaster (LW-10) and recorded her statement. The victim boy was subjected to medical examination at Osmania Hospital, Hyderabad. LW-11 issued a preliminary report dated 06.01.2025 noting anal injury suggestive of sexual intercourse. Peri-anal and rectal swabs were preserved and forwarded to FSL, Redhills. FSL report dated 05.02.2025 (File No. SER/76/2025) confirmed semen and spermatozoa were not detected on the preserved items. Based on this, LW-11 furnished a final opinion dated 21.02.2025, concluding that the victim's history was consistent with medical findings and suggestive of forceful anal penetration.

2(v). After completion of investigation, LW-12, filed charge sheet against the accused for the offence punishable under sections 351 of BNS and section 5(f)(1) read with 6 of POCSO Act 2012.

- 3.** The Special Sessions Judge For Trial and Disposal of Rape and POCSO Act Cases at R.R. District at L.B.Nagar took cognizance for the offences punishable under section 351 of BNS and section 5(f)(1) read with 6 of POCSO Act 2012.
- 4.** On appearance of accused, case copies were furnished to accused U/Sec.207 Cr.P.C.
- 5.** In view of the proceedings of the Hon'ble High Court, vide ROC No.8472019-D-II(B), dated 13-03-2021, this case is transferred to this court for trial and disposal as per law.
- 6.** Heard on charges and charges were framed against the accused for the offences punishable Under Section 351 of BNS and section 5(l) read with 6, section 5(p) read with 6, section 5(o) read with 6, section 5(f) read with 6 of POCSO Act and same explained to him in his vernacular language, he pleaded not guilty and claimed to be tried.
- 7.** During course of trial, on behalf of the prosecution, Pws.1 to P8 , were examined, Ex.P1 to Ex.P12 and MO1 marked, Learned Spl. App given up the evidence of Lws 4 to 8.
- 8.** On completion of examination of witnesses on behalf of prosecution, accused was examined U/Sec.351 BNSS and explained all the incriminating evidence available against him, he denied the same and reported no defence evidence.
- 9.** Heard the arguments of the learned Additional Public Prosecutor and the Counsel for the accused. The defence filed written argument in support of his oral submission.

i). In the current case, the learned Additional Public Prosecutor contends that PW.3, the victim, has clearly described the offense committed by the accused. The victim's testimony alone is considered adequate for conviction. Moreover, the evidence presented by PW.3 is supported by the testimonies of Pws.1, 2, 4 to 8 and the medical records. Based on this collective evidence, the prosecution aims to establish the accused's guilt beyond a reasonable doubt, and the learned Special Public Prosecutor requests the accused's conviction.

ii). On the contrary, the counsel for the accused contended that there is no corroboration to the evidence of PW3, the victim. The mother of the victim and the complainant did not support the prosecution's version, and the accused did not commit any offense and was falsely implicated in this case, and prayed to acquit the accused.

10. Now the points that arise for determination are:-

- (i). *Whether the victim girl was a child as on the date of offence as defined under Section 2(d) of Protection of Children from Sexual Offences Act?*
- (ii). *Whether the prosecution could able to prove the guilt of the accused for the offence punishable under Section 351 of BNS beyond all reasonable doubt?*
- (iii). *Whether the prosecution could able to prove the guilt of the accused for the offence punishable under Section 5(f) read with 6 of Protection of Children from Sexual Offences Act 2012 beyond all reasonable doubt?*
- (iv). *Whether the prosecution could able to prove the guilt of the accused for the offence punishable under Section 5(l) read with 6 of Protection of Children from Sexual Offences Act 2012 beyond all reasonable doubt?*
- (v). *Whether the prosecution could able to prove the guilt of the accused for the offence punishable under Section 5(o) read with 6 of Protection of*

Children from Sexual Offences Act 2012 *beyond all reasonable doubt?*

(vi). *Whether the prosecution could able to prove the guilt of the accused for the offence punishable under Section 5(p) read with 6 of Protection of Children from Sexual Offences Act 2012 beyond all reasonable doubt?*

Point No. 1:-

11. It is the case of the prosecution that the accused, being a teacher at the Madrasa, deceitfully induced the victim boy and sexually assaulted him repeatedly. It is further contended by the prosecution that, as on the date of the incident, the victim boy was 13 years old. Evidently, the present case is filed under the provisions of the POCSO Act. Hence, to bring this case within the purview of the POCSO Act, the prosecution must establish that the victim boy was a child below the age of 18 years, as contemplated under Section 2(1) (d) of the Act.

11(i). In Ex.P1, the complaint lodged by the father of the victim reveals that the victim boy was 13 years old at the time of the incident. Similarly, PW1 (father of the victim) and PW2 (mother of the victim), in their evidence, testified that at the relevant time the victim boy was 13 years old and studying in the Madrasa. Likewise, the victim boy himself, examined as PW3, testified that at the time of the incident he was studying in Madrasa Islamia at Mamidipally, that he was 13 years old, and that his date of birth was 29-07-2011. Notably, the defence counsel cross-examined PW1 to PW3 at length but did not dispute either the age of the victim boy or the date of birth mentioned by him in his evidence.

11(ii). In this case, though there is no denial on the part of the defence regarding the age of the victim boy, to further prove the age, the prosecution filed the original birth certificate of the victim boy issued by the Greater Hyderabad Municipal Corporation, which was marked through the Investigating Officer as Ex.P10. A perusal of Ex.P10 reveals that the date of birth of the victim boy is recorded as 29-07-2011, and the same was registered on 25-08-2011. As already discussed supra, PW3, the victim boy, in his evidence before the Court, also disclosed his date of birth as 29-07-2011.

11(iii). Furthermore, this Court observed that although the defence counsel cross-examined PW8, the Investigating Officer, he did not put any questions concerning Ex.P10 or raise objections regarding its genuineness. In the absence of denial by the defence and in the absence of rebuttal evidence, this Court safely concludes that the date of birth of the victim boy is 29-07-2011. According to the prosecution and the evidence of the victim boy, the alleged incident occurred on 23-12-2024 and 25-12-2024. Even by calculating the age of the victim with reference to Ex.P10 as on the date of offence, it clearly emerges that the victim boy was 13 years 4 months old at the time of the incident. Consequently, this case falls under the provision of Protection of Children from Sexual Offences Act. Accordingly, Point No.1 favors the prosecution and is against the accused.

Point No. 2 to 6:-

For the sake of convenience, brevity and to avoid repetitions of evidence, these points are taken up together for discussion.

12. It is the case of the prosecution that the accused, being a teacher at

the Madrasa, deceitfully induced the minor victim boy, took him to Masjid-E-Rehemath Unnisa, Rajiv Gandhi Nagar, and sexually assaulted him repeatedly and forcibly against his will, knowing fully well that he was a minor and placing him under fear. Thereby, the accused committed offences punishable under Section 351 of the BNS and under Section 5(f) read with 6, Section 5(l) read with 6, Section 5(o) read with 6, and Section 5(p) read with 6 of the POCSO Act.

12(i). In view of the aforesaid charges leveled against the accused, the initial burden is on the prosecution to demonstrate that the accused person had committed the aforesaid offences. To ascertain that aspects, it becomes necessary to scrutinize the evidence adduced on behalf of the prosecution.

12(ii). Before advertent to the evidence of prosecution witnesses, it is relevant to mention the provisions of law under which the accused has been charged.

a). Section 351 of Bharatiya Nyaya Sanhita (BNS) deals with the offence Criminal intimidation. “Whoever threatens by any means, another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

1. Punishment:

- If the threat is general (without specifying any particular harm), the offender can be punished with imprisonment of either description for a term that may extend up to **two years**, or with a fine, or both.
- If the threat specifies causing death, grievous hurt, destruction of property by fire, or imputing unchastity to a woman, the punishment can be imprisonment of either description for a term that may extend up to seven years, or with a fine, or both.

(b). Section 5 of the POCSO Act deals with aggravated penetrative sexual assault.:- section 5(f), 5(l),5(o), and 5(p) defines as follows:-

5(f) *whoever, being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or*

5(l) *whoever commits sexual assault on the child more than once or repeatedly; or*

5(o) *whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or*

5(p) *whoever, being in a position of trust or authority over a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or*

c). Section 6. Punishment for aggravated penetrative sexual assault

(1) *Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine, or with death.*

(2) *The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.*

Discussion, appreciation of evidence and reasons thereof :

13. The prosecution, in order to establish the guilt of the accused for the aforesaid offences, has relied entirely on the evidence of PWs 1 to 8. PW1 is the complainant and father of the victim; PW2 is the mother of the victim; PW3 is the victim herself; PW4 is the medical officer who examined the victim girl and issued both the preliminary and final opinions; PW5 is a panch witness for the confession-cum-seizure panchanama; PW6 is the medical officer who conducted the potency test of the accused and issued the potency report; and PWs 7 and 8 are the Investigating Officers who carried out the entire investigation in this case.

14. According to the prosecution, the victim boy is the crucial witness who can shed light on the allegations made against the accused. To establish the guilt of the accused, the prosecution first examined the victim as PW3. PW3 was admittedly about 13 years of age at the relevant time and was studying at Madarsa Islamiya, Mamidipally, where the accused was working as a teacher. PW3 stated that the accused developed familiarity with him, used to take him outside on a motorcycle, provide him outside food and take him around outside the Madrasa. According to PW3, in the course of such acquaintance, the accused took him to a nearby Masjid and into a room, showed him obscene videos, forcibly removed his pant and, when PW3 resisted, beat him and forcibly penetrated his anus with his penis. PW3 further stated that the accused threatened him not to disclose the incident and subsequently took him to the same Masjid and sexually assaulted him again.

14(i). Thus, the testimony of PW3 is not a mere general allegation; it contains specific particulars concerning the relationship between the accused and the victim, the manner in which the victim was taken away, the place of occurrence, the use of force, the alleged act of penetration and the threat following the incident.

14(ii). An important circumstance in PW3's evidence is his explanation regarding the delayed disclosure. PW3 stated that after the first assault, he remained silent because the accused threatened him not to disclose the incident. He stated that even after the second alleged assault he did not immediately inform his parents. According to him, after about three months, when he returned home and refused to go back to the Madrasa, his mother questioned him, whereupon he disclosed the alleged sexual assault to her for the first time. He further stated that his mother took him to the hospital, thereafter informed his father, and that his father went to the police station on the following morning and lodged the complaint. PW3 also stated that he was subsequently medically examined and that he was produced before the Magistrate, before whom he narrated the incident and whose statement under Section 183 BNSS was marked as Ex.P2.

14(iii). The evidence of PW3 further shows that the accused was in a position of authority as his teacher. PW3 stated that the accused used to teach at the Madrasa during evening hours and that he would take PW3 outside during the period between 5.00 p.m. and 8.00 p.m. when the students had playing time. PW3 stated that the accused took him outside three or four times, although he could not remember the specific dates. He specifically maintained

that the sexual assault occurred twice, once on a Thursday and again on a Monday. He further stated that at the time of the assault he raised cries, but the accused closed his mouth and threatened him. He consistently identified the place as a room in a Masjid situated near the Madrasa.

14(iv). The cross-examination of PW3 brings out certain omissions and uncertainties, particularly regarding dates and chronology. PW3 admitted that he could not remember the dates on which the accused took him outside, the date on which his father took him from the Madrasa, the date on which his father returned, or the exact date on which the complaint was lodged. He also stated that he did not remember the exact date of the incident. These aspects are relevant while assessing the precision of his recollection. At the same time, the material allegation of two instances of sexual assault, the involvement of the accused, the place of occurrence, the use of force and the threat not to disclose remained substantially maintained during cross-examination.

14(v). PW3 denied the suggestion that his father had tutored him or that he was deposing falsely at the instance or force of his parents. The defence also put forward a suggestion concerning an alleged demand for ₹3,00,000/-. PW3 denied that his parents had threatened the accused or demanded such amount and instead stated that members of the accused's family had offered ₹3,00,000/- for compromise of the case. This part of his evidence is relevant because the defence suggestion was directly denied by PW3, and his version regarding the alleged compromise offer remained part of his testimony.

15. In this case, it is the contention of the prosecution, supported by the testimony of PW3, that after registration of the case, the victim was referred to the hospital for medical examination. To establish this fact, the prosecution examined the medical officer, Dr Vaddi Kavya, who examined the victim boy, and her evidence assumes significance in appreciating the allegation of sexual assault made by the victim. PW4 stated that on 06.01.2025, pursuant to the requisition received from the SHO, Pahadishareef, the victim boy, aged 13 years, was produced before her and she examined him at about 12.00 noon. On physical examination, particularly anal examination, she found tenderness to touch and a purplish-red contusion around the perianal verge, prominently at the 8 to 11 o'clock position. Thus, the medical examination disclosed an objective physical finding in the very region in respect of which the victim had alleged forcible sexual penetration.

15(i). The significance of the evidence of PW4 becomes clearer when it is considered alongside the testimony of the victim boy. The victim had specifically stated that the accused forcibly removed his pants, that he resisted, that the accused beat him and forcibly inserted his penis into his anus. He had also stated that the accused threatened him and that the alleged assault was repeated on another occasion. PW4's examination independently revealed tenderness and a contusion around the perianal verge. The location and nature of the physical findings are therefore consistent with the particular allegation made by the victim regarding anal penetration. PW4, on the basis of her preliminary examination, expressly opined that the anal injury was suggestive of sexual intercourse into the anus.

15(ii). PW4 did not stop with the initial physical examination. She referred the victim to the Department of General Surgery, Osmania General Hospital, for further examination and, if necessary, treatment of internal ano-rectal injuries or tears. She also collected peri-anal and rectal swabs and forwarded them for forensic analysis. This aspect of her evidence demonstrates that the medical assessment was followed by further medical and forensic examination rather than being confined solely to the initial clinical observation. Ex.P3 is the preliminary examination report dated 06.01.2025.

15(iii). The subsequent final opinion rendered by PW4 assumes particular relevance in linking the medical findings with the version given by the victim. On 21.02.2025, PW4 issued her concluding opinion, wherein she stated that the history narrated by the victim boy was consistent with the examination findings and that those findings were suggestive of forceful anal penetration. Thus, PW4's opinion furnishes medical corroboration to the core allegation advanced by the victim, namely that he was subjected to forcible anal penetration. Ex.P4 represents the FSL report dated 05.02.2025, while Ex.P5 embodies the final opinion dated 21.02.2025. Importantly, her conclusion was not based merely on the narration of the victim but was founded upon the physical examination and subsequent medical and forensic findings, which she found to be consistent with the history provided.

15(iv). In this context, the medical evidence assumes corroborative importance in relation to the specific allegation of forcible anal penetration made by the victim. The cross-examination of PW4, however, highlights certain limitations which must be weighed while assessing the probative value of her

testimony. PW4 acknowledged that at the time of examining the victim she had approximately two years' experience in conducting such examinations and that this was only the second case of its kind she had handled. Nevertheless, she affirmed that the examination was conducted strictly in accordance with the norms of medical jurisprudence. She further stated that, according to the history furnished by the victim, the alleged assault had occurred in the last week of December 2024, whereas the medical examination was conducted on 06.01.2025.

15(v). In cross-examination, PW4 admitted that she could not specify the exact period required for recovery of anal injuries, though she estimated that such injuries may heal within 10 to 15 days. Despite these limitations, PW4 did not retract her finding of anal injury or her final opinion. The defence sought to suggest that PW4 lacked adequate experience and that she had not examined the victim but had issued a false report at the behest of the police. PW4 categorically denied both suggestions.

15(vi). The defence argued that the FSL report, marked as Ex.P4, showed negative results and therefore no evidence of sexual assault was found. On this basis, it was contended that the accused had not committed the alleged offence and was falsely implicated, warranting acquittal. However, a perusal of the preliminary report (Ex.P3) reveals that the last sexual contact occurred in the last week of December 2024. PW4 admitted that the victim was produced for medical examination only on 06.01.2025, after a delay of eight days. This delay is crucial, as it explains the absence of biological evidence. It is a well-recognised principle in forensic science that spermatozoa and seminal fluid

have limited survivability, and a delay in medical examination frequently results in negative findings.

15(vii). Consequently, this Court finds that a negative FSL report cannot, by itself, negate the categorical and corroborated testimony of the victim. The delay in medical production was beyond the victim's control and attributable to the investigative process. The victim was examined more than seven days after the assault, during which period deposited sperm may lose motility, degrade, or be removed through natural bodily processes or hygiene. Forensic results are only one facet of evidence, and the absence of such material is not conclusive proof that the assault did not occur.

15(viii). As discussed supra, PW4 in her evidence stated that on physical examination, particularly anal examination, she found tenderness to touch and a purplish-red contusion around the perianal verge, prominently at the 8 to 11 o'clock position, which are direct symptoms of sexual assault. PW4 further deposed that injuries caused in cases of anal sexual assault usually heal within 10 to 15 days, though there is no fixed timeframe. According to the history furnished by the victim, the last sexual contact occurred in the last week of December 2024, and the examination was conducted on 06.01.2025, after a gap of eight days. During this period, injuries were still noticeable, thereby corroborating the victim's account. On a careful appreciation of her testimony, the medical evidence provides corroborative support to the victim's account of forcible anal penetration.

15(ix). In this case, the prosecution further examined Dr. N. Karthik, Assistant Professor of Forensic Medicine and Toxicology, as PW6, who conducted the potency test of the accused. He deposed that on 30.01.2025, pursuant to the requisition of the Inspector of Police, P.S. Pahadishareef, he examined the accused at about 1:45 PM and issued Ex.P7-potency certificate. He opined that there was nothing to suggest that the accused was incapable of performing sexual intercourse.

15(x). PW6's evidence is confined to the medical examination of the accused and his physical capability to perform sexual intercourse. His testimony remained unchallenged, as there was no cross-examination. Thus, PW6's evidence, along with Ex.P7, establishes the accused's capability, lending support to the version of PW3 regarding the sexual assault and further corroborating the medical findings of PW4.

15(xi). In cumulative assessment, PW4's testimony assumes particular significance as independent medical evidence corresponding to the core allegation. The victim spoke of forcible anal penetration; PW4 observed objective perianal injuries, gave a preliminary opinion that the injury was suggestive of anal sexual intercourse, and in her final opinion, after considering physical examination, forensic material, and surgical findings, concluded that the victim's history was consistent with the medical evidence and suggestive of forceful anal penetration. Thus, the evidence of PW4 directly supports the testimony of PW3, which establishes the allegation of sexual assault (sodomy) committed by the accused against him.

16. As already discussed supra, PW3, the victim, who is the sufferer, categorically narrated his evidence beyond all reasonable doubt. Furthermore, it is an established legal principle that the testimony of the sole victim is often sufficient for conviction. As the sufferer, his evidence serves as the best means to elucidate his case. If his testimony is coherent, consistent, and trustworthy, it can directly contribute to the accused's conviction.

a) In a case of **State of Himachal Pradesh Vs. Asha Ram** in Criminal Appeal No.1266/1998 dated 17.11.2005 **reported in AIR 2006 SC 381**, where in the Hon'ble Apex Court held as follows : *"Conviction can be founded on the testimony of the prosecutrix alone unless there are compelling reasons for seeking corroboration. The evidence of a prosecutrix is more reliable than that of an injured witness. The testimony of the victim of sexual assault is vital unless there are compelling reasons which necessitate looking for corroboration of her statement, the Courts should find no difficulty in acting on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. It is also well-settled principle of law that corroboration as a condition for judicial reliable on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances. Even minor contradictions or insignificant discrepancies in the statement of the prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case".*

b) In a case **Krishna Kumar Malik Vs. State of Haryana (2011) 7 SCC 130**, it is observed and held by the Hon'ble Supreme Court that:- *"No doubt, it is true that to hold an accused guilty for commission of an offence of rape, the solitary evidence of the prosecutrix is sufficient provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality".*

16(i). In the light of the above decisions, it is no doubt true that in sexual assault cases the evidence of the victim/prosecutrix is of predominant

consideration and his/her sole testimony is sufficient to act upon if it inspires confidence in the mind of the Court about the commission of offense by the accused against him/her.

16(ii). The court carefully examined the incriminating evidence presented by PW3/victim. Notably, no inconsistencies or omissions were identified in his testimony. While minor points were challenged by the defense, PW3 consistently denied them, and no compelling evidence was presented to cast doubt on his credibility. Reading his deposition reveals a clear and consistent narrative with a strong ring of truth. Therefore, the court finds PW3s testimony to be cogent, convincing, trustworthy, and inspires confidence.

17. As discussed above, though corroboration of evidence is not required to prove the victim's case, the prosecution, nevertheless, examined parents of the victim boy as Pw1 and 2. According to the prosecution, the present case was filed and registered on the basis of a complaint lodged by the victim's father. PW1 and PW2, being the father and mother respectively, gave evidence primarily regarding the circumstances preceding and following the alleged sexual assault, the disclosure made by the victim, the medical treatment obtained thereafter, and the subsequent lodging of the complaint. Both witnesses consistently stated that the victim was about 13 years of age and, as he was not regularly attending school, he was admitted to a Madrasa for learning Arabic. They further state that the accused was the teacher of the victim at the said Madrasa and that the victim used to visit home periodically. Thus, their evidence establishes the relationship between the accused and the victim and the circumstances in which the victim came into the accused's proximity. The most material aspect of the evidence of PW1 and PW2 is their

account of the victim's conduct upon returning home. Both witnesses state that, after about three months, the victim refused to return to the Madrasa. PW2 specifically stated that when she questioned him as to the reason for his refusal, the victim disclosed that his teacher had committed sexual assault (sodomy) upon him by penetrating his penis into the victim's anus from behind. PW1 also stated that he came to know of the incident through PW2 after the victim made the disclosure. Thus, although PW1 was not an eyewitness to the alleged assault, his evidence substantially corroborates PW2 regarding the immediate disclosure made by the victim and the circumstances in which the allegation came to light. PW2's evidence assumes greater significance as she is the person to whom the victim first disclosed the alleged occurrence. She stated that the victim complained of pain and, upon hearing his disclosure, she took him to the hospital for treatment. According to her evidence, the doctor examined the victim and informed her that there was an infection in his private parts and prescribed medication. She thereafter informed PW1 about the allegation, following which the matter was taken to the police and the complaint was lodged. PW1 gives a substantially similar account, stating that after being informed by his wife, he proceeded to make enquiries and thereafter approached Pahadishareef Police Station, where the complaint was lodged.

17(i). This Court observed that though PW1 and PW2 were cross-examined at length by the defence, nothing substantial was elicited to discredit their evidence. Certain minor discrepancies were noted regarding dates, the name and location of the Madrasa, and the precise date on which the victim was

brought home. However, these omissions do not go to the root of the case the core of their testimony remains consistent: the victim returned from the Madrasa, refused to go back, disclosed to PW2 that his teacher had subjected him to anal sexual assault, complained of pain, was taken for medical treatment, and the matter was thereafter communicated to PW1 and reported to the police.

17(ii). Both PW1 and PW2 denied the defence suggestions that the Madrasa did not exist or that the case was fabricated for ulterior motives. PW1 denied being tutored by the police, while PW2 denied giving false evidence to extract money from the accused. They further stated that members of the accused's family had approached them seeking withdrawal or compromise of the case. In fact, PW3 corroborated this and stated that the relatives of the accused had approached them and offered ₹3,00,000/- for compromise.

18. In this case, PW3 testified that following the registration of the case, a police officer recorded his statement, during which he narrated the incident. As discussed above, though corroboration of evidence is not required to prove the victim's case, the prosecution, nevertheless, examined the first investigating officer as PW8. PW8, P. Guruva Reddy, the then Inspector of Police, Pahadishareef Police Station, deposed that on 04.01.2025 at about 1:00 AM, he received the complaint from PW1 under Ex.P1 and, on its basis, registered Crime No.9 of 2025 for the offences under Section 5(f)(I) read with Section 6 of the POCSO Act and issued FIR under Ex.P9. His evidence regarding receipt of the complaint and registration of the case supports PW1's testimony that he

approached the police and lodged the complaint concerning the alleged incident.

18(i). PW8, the Investigating Officer, deposed regarding the registration of the case on the basis of Ex.P1 complaint, recording of the statements of witnesses, collection of the victim's birth certificate, inspection of the scene of offence, and recording of statements of witnesses from the Madrasa. He further stated that he obtained permission for the potency test, recorded the victim's statement under Section 183 BNSS, collected the victim's bonafide certificate, referred the victim for medical examination, collected and forwarded the medical material to TSFSL, received the FSL report, and obtained the final medical opinion from PW4. After completion of investigation and collection of case properties, PW8 filed the charge sheet. His evidence thus establishes the entire investigative chain, connecting the complaint, the victim's statement, the medical examination, the forensic material, and the subsequent final opinion. Accordingly, the testimony of PW8 corroborates the prosecution case by demonstrating that all procedural steps were duly followed and that the investigation was conducted in a systematic manner, thereby lending credibility to the evidentiary record.

19. The principal contention of the defence is that, according to the prosecution, the first incident occurred on 23-12-2024 and the second incident occurred on 25-12-2024, whereas the complaint was lodged only on 04-01-2025, resulting in a delay of eight days. The defence contends that such delay is unexplained and abnormal and, therefore, creates serious doubt regarding the occurrence itself and indicates that the case is a subsequent fabrication

intended to implicate the accused. The defence, accordingly, sought acquittal of the accused on this ground.

19(i). This contention, however, has to be examined in the light of the evidence available on record and the explanation offered by the prosecution for the delay. On careful perusal of Ex.P1, the complaint lodged by PW1, it is evident that PW1 specifically narrated the circumstances which preceded the lodging of the complaint. According to PW1, on 26-12-2024, he brought the victim boy home from the madrasa, at which time the victim complained of pain. On 27-12-2024, PW1 took him to a clinic, where the doctor examined him and informed that there was an infection in his private parts and prescribed medication. Thereafter, PW1 went to Bengaluru in connection with his duty. On 01-01-2025, when the victim again complained of increased pain and itching in his private parts, his mother questioned him about the cause. It was then that the victim, for the first time, disclosed the alleged sexual assault committed by the accused on two occasions. PW1 stated that his wife informed him about the disclosure on the same day and, upon his return, he immediately went to the police station and lodged the complaint.

19(ii). Thus, the contents of Ex.P1 do not support the defence contention that the delay was wholly unexplained. Rather, the complaint itself contains a specific explanation as to why the alleged incidents were not brought to the notice of the parents immediately. The evidence of PW3, the victim boy, assumes significance in this regard. PW3 stated that, after the first alleged assault, he remained silent because the accused had threatened him not to disclose the incident to anybody. He further stated that, even after the second

alleged assault, he did not immediately inform his parents. Subsequently, when he returned home and expressed his unwillingness to go to the madrasa, his mother questioned him, whereupon he disclosed the alleged sexual assault to her for the first time. According to PW3, his mother thereafter took him to the hospital and informed his father, who subsequently lodged the complaint with the police.

19(iii). Significantly, the explanation furnished by PW3 is not confined to his deposition before this Court. The record indicates that he gave a consistent account regarding the reason for his silence and delayed disclosure in his statement before PW8 as well as in his statement recorded before the Magistrate. Therefore, the explanation regarding the delay emerges from more than one piece of evidence and is not introduced for the first time during the trial. The threat allegedly administered by the accused, coupled with the victim's delayed disclosure to his parents and the circumstances narrated by PW1 regarding his absence from the home, provides a factual explanation for the time taken in reporting the matter to the police.

a). In the citation reported in **Tara Singh and Others Vs. The State Of Punjab., AIR (1991) SC 63**, it was observed by the Hon'ble Supreme Court that:- *"It is well-settled that the delay in giving the FIR by itself cannot be a ground to doubt the prosecution case. Knowing the Indian conditions as they are we cannot expect these villagers to rush to the police station immediately after the occurrence. Human nature as it is, the kith and kin who have witnessed the occurrence cannot be expected to act mechanically with all the*

promptitude in giving the report to the police. At times being grief-stricken because of the calamity it may not immediately occur to them that they should give a report. After all it is but natural in these circumstances for them to take some time to go to the police station for giving the report".

b). Further in a citation reported In **State of Punjab Vs. Gurmit Singh AIR (1996) SC 1393**, wherein it has been held that:- *In sexual offences, the delay in lodging the FIR, can be due to a variety of reasons, particularly the reluctance of the prosecutrix, or family members to approach the police, and lodge complaint, about the incident, which concerns the reputation and honour of the family and victim".*

19(iv). It is well settled that delay in lodging a complaint, by itself, is not necessarily fatal to the prosecution case. The effect of delay depends upon the facts and circumstances of each case and, particularly, whether the delay has been satisfactorily explained and whether such delay gives rise to a reasonable possibility of fabrication or embellishment. As contended by PW3, he failed to disclose the incident to anyone due to fear, trauma, and the influence exerted by the accused. On the other hand, as argued by the defence, if no such incident had taken place, there would be no reason for the family members of the victim boy to lodge a false complaint against the accused, particularly when there is no evidence of any enmity or grudge existing against him. In the present case, the delay has been specifically explained by PW1 to PW3, and the explanation is broadly consistent with the circumstances narrated by them. Therefore, the mere interval between the alleged occurrence and the lodging of Ex.P1 cannot, standing alone, be treated as sufficient to discard the prosecution case.

20. In this case, it is also the main contention of the learned defence counsel is that there is no Masjid by name “Rehmaat Unnisa-E-Masjid” in existence and that the place of occurrence projected by the prosecution is imaginary. It is further contended that none of the residents or persons connected with the said Masjid have been examined by the prosecution to substantiate the existence of the alleged scene of offence or the occurrence said to have taken place therein. It is also pointed out that, though the Investigating Officer, PW8, stated that he examined the circumstantial witnesses Mohammed Rasnoor and Azbin Abdul Rehmaan Taki during the course of investigation, the prosecution did not examine them before the Court. Therefore, according to the defence, the prosecution has failed to establish the identity and existence of the alleged scene of offence.

20(i). However, the above contention has to be considered in the light of the evidence of PW8, the Investigating Officer, and Ex.P11, the scene of offence panchanama. PW8 categorically deposed that, during the course of investigation, he visited the scene of offence situated at Masjid-E-Rehmaat Unnisa, Pahadishareef, secured the presence of LW6 and LW7, and conducted the scene of offence panchanama by noting the physical features of the premises. Ex.P11 also records the scene of offence as “Rehmaat Unnisa-E-Masjid” and contains the description of the premises. Thus, there is contemporaneous documentary evidence prepared during the investigation which supports the version of PW8 regarding the identification of the place.

20(ii). It is true, the prosecution has not examined the panch witnesses in whose presence the scene of offence panchanama was allegedly conducted. However, mere non-examination of the panch witnesses, by itself, does not render the evidence of the Investigating Officer inadmissible or wholly unreliable. The material consideration is whether the evidence of PW8 regarding his visit to the scene of offence and preparation of Ex.P11 has been effectively challenged or discredited in cross-examination. In the present case, though PW8 was cross-examined at length by the defence, nothing material has been elicited to establish that he had not visited the alleged scene of offence or that Ex.P11 was not prepared during the course of investigation. Significantly, the defence has not specifically denied the visit of PW8 to the said premises or the preparation of Ex.P11.

20(iii). Therefore, the evidence of PW8, to the extent that he visited the scene of offence, verified the premises and prepared Ex.P11, remains substantially un rebutted. The non-examination of the panch witnesses may constitute a circumstance to be considered while appreciating the evidentiary value of Ex.P11, but it cannot, in the absence of any effective contradiction or material infirmity in the testimony of PW8, by itself lead to rejection of his evidence.

20(iv). Further, the significance of Ex.P11 cannot be considered in isolation. The prosecution case regarding the occurrence principally rests upon the evidence of the victim boy. The existence or otherwise of the particular premises is only one aspect of the overall prosecution case. The evidence of the victim boy regarding the occurrence has to be assessed independently,

together with the other material available on record. In the present case, there is no material brought out in the cross-examination of PW8 to establish that the place mentioned in Ex.P11 did not exist or that the investigating agency had fabricated the scene of offence. Thus, this Court is not inclined to attach much importance to the argument advanced by the defence.

21. In this case, the Court noted that, following registration of the case, the Investigating Officer recorded the statement of the victim before the Hon'ble Principle Junior civil Judge, cum Judicial Magistrate of First class, L.B. Nagar (LW14). This Court has carefully perused the statement of the victim recorded under Section 183 of BNSS by LW14, wherein the victim narrated the entire incident before the Magistrate. The narration is consistent with his earlier statement recorded by the police under Section 161 Cr.P.C. and also aligns with his testimony before this Court. The victim's account, given at three different stages before the police, before the Magistrate, and before the Court, remains uniform and coherent, thereby lending strong credibility to his version. Such consistency across all stages of the proceedings reinforces the reliability of his evidence and supports the prosecution's case against the accused.

21(i). As previously mentioned, the defence counsel was unsuccessful in establishing any specific grievance that PW3 or his family might have held against the accused which could have led them to file a false case. Generally, in India, no parents would willingly tarnish the character of their children by fabricating allegations. If the accused had not committed any offence and there was truly no grudge, there would be no reason for PW3 to falsely implicate him.

The Court therefore determined that the argument advanced by the accused lacks merit and is unfounded.

22. On an overall appreciation of the evidence on record, this Court finds that the prosecution has established the material circumstances connecting the accused with the occurrence. PW3, the victim boy, was admittedly about 13 years of age at the relevant time and was studying at the Madrasa where the accused was working as a teacher. PW3 gave a specific and consistent account that the accused took him to a room in the Masjid, showed him obscene videos, forcibly removed his clothes, beat him when he resisted and forcibly penetrated his anus with his penis. He further stated that the accused threatened him not to disclose the incident and subsequently subjected him to a similar sexual assault on another occasion. The material particulars of the occurrence, including the identity of the accused, the manner of assault, the place of occurrence, use of force and subsequent threat, remained substantially intact in cross-examination. Further, PW3's consistent testimony regarding the acts of the accused is corroborated by the medical evidence of PW4, the evidence of PW1 and PW2 regarding disclosure, and the statement of PW3 recorded before the Magistrate. The evidence of PW8 and Ex.P11 further support the identification of the scene of offence. The defence has failed to elicit any material contradiction or circumstance sufficient to discredit the core prosecution case.

22(i). Thus, the prosecution has established beyond reasonable doubt that the accused, taking advantage of his position as a teacher, used force upon the minor victim, subjected him to anal penetrative sexual assault on two occasions and threatened him with non-disclosure. Accordingly, the evidence

on record establishes the acts constituting the offences under **Section 351 of the Bharatiya Nyaya Sanhita, 2023**, and **Sections 5(f) read with 6, 5(l) read with 6, 5(o) read with 6 and 5(p) read with 6 of the POCSO Act**.

Hence, the prosecution has succeeded in proving the guilt of the accused for the aforesaid offences beyond reasonable doubt. Thus, the prerequisite condition required to invoke the presumption under Section 29 of the POCSO Act is satisfied by the prosecution, and the onus to prove innocence or to disprove the allegations is shifted onto the accused. However, a perusal of the cross-examinations of PWs1 to 8 and the statement of the accused under Section 313 of the Cr.P.C failed to present any material from which it can be inferred that the accused is innocent. Consequently, the accused failed to discharge his reverse burden.

23. It is pertinent to mention that under Section 29 of the POCSO Act, a reverse burden is imposed on the accused. It is observed that there is a marked difference between the provisions of presumptions provided under the POCSO Act and those provided in negotiable instrumental acts, the Prevention of Corruption Act, etc. Under the POCSO Act, there is no other requirement to be complied with by the prosecution to raise a presumption under Section 29 of the POCSO Act, except to show that the accused has been prosecuted for any of the offenses as enumerated under Section 29 of the POCSO Act.

a). While discussing Section 29 of the POCSO Act, **the Hon'ble Kolkata High Court observed in the case of Sahid Hossain Biswas Vs.State of West Bengal**, that "*Once the foundation of the prosecution case is laid by leading legally admissible evidence, it becomes incumbent on the*

accused to establish from the evidence on record that he has not committed the offence or to show from the circumstances of a particular case that a man of ordinary prudence would most probably draw an inference of innocence of his favour. The accused may achieve such an end by leading defence evidence or by discrediting prosecution witnesses through effective cross-examination or by exposing the patent absurdities or inherent infirmities in their version by an analysis of the special features of the case."

b). Furthermore, ***in S. Suresh vs. State of Tamil Nadu (2017)***, the court held that "Section 30 provides the accused with the opportunity to prove his or her innocence, thereby making the presumption under Section 29 rebuttable. In this case, the accused was convicted under the POCSO Act, and he has not rebutted the presumption of Section 29. Therefore, the court observed that the failure to rebut the presumption also establishes the guilt of the accused".

c). It would be justified to refer to the case of ***Manoj Kumar Vs. The State of Uttarakhand, (2019) 5 SCC 667***, wherein, Hon'ble Supreme Court held that - "In the absence of any existing enmity between the accused and the witnesses there exists no ground to question the veracity of the witnesses or to raise a ground of false implication..."

23(i). In this case, the accused failed to elicit any evidence from the witnesses to show that the complaint was filed out of personal grudge.

(a). In a case of ***Bharanwada Bhogibhai Hirjibhai Vs. State of Gujarat reported in AIR (1983) SC 753***, observed as follows: "It is quite unthinkable that the parents of the victim would go to the length of inventing a story of sexual assault on their own daughter and tutor her to narrate such

version which would bring down their social status and spoil reputation in society. Ordinarily no parents would do so in Indian Society as at present”.

(b). The Hon’ble Supreme Court in Radha Krishna Nagesh Vs State of Andhra Pradesh reported in (2013) 11 SCC 688 observed as follows :
“While appreciating the evidence of the prosecutrix, the Court must keep in mind that the context of the values prevailing in the country, particularly in rural India, it would be unusual for a woman to come up with a false story of being a victim of sexual assault so as to implicate an innocent person”. In these circumstances, the defence of accused that this case is filed due to past grudges and disputes cannot be believed as the accused failed to substantiate his defence.

23(ii). In light of the preceding discussion and considering the facts and circumstances of the case, the plea advanced by the accused’s counsel appears unsustainable. The victim boy, being a minor of approximately thirteen years, is unlikely to fabricate allegations or engage in a dispute with the accused without cause. It is inconceivable that parents would lodge a false complaint, thereby risking the reputation and character of their son, unless an actual incident had occurred. No material has been brought on record to cast doubt on their veracity. Moreover, the judicial precedents cited are directly relevant, as it is improbable that Indian parents would fabricate allegations without cause, thereby damaging their own child’s reputation for personal gain. Therefore, the assertion of false implication raised by the defence lacks substance and cannot be accepted.

24. In this instance, it is acknowledged that the defense fell short in counteracting the evidence put forth by the prosecution by presenting their own defense evidence.

25. Considering the entire factual scenario, oral and documentary evidence, in conjunction with the medical reports, and the totality of facts and circumstances presented before this Court, there is no option but to conclude that the accused have committed an offense punishable under **Section 351 of the Bharatiya Nyaya Sanhita, 2023**, and **Sections 5(f) read with 6, 5(I) read with 6, 5(o) read with 6 and 5(p) read with 6 of the POCSO Act**. In view of the above discussion, this Court holds that Points No. 2 to 6 are answered in favour of the prosecution and against to the accused.

26. **In the result**, the accused is found guilty of the offences punishable under under **Section 351 of the Bharatiya Nyaya Sanhita, 2023**, and **Sections 5(f) read with 6, 5(I) read with 6, 5(o) read with 6 and 5(p) read with 6** of the Protection of Children from Sexual Offences Act. Accordingly, accused is convicted under Section 258(2) of the Bharatiya Nagarik Suraksha Sanhita.

Dictated to the Stenographer, corrected by me and pronounced by me in the open Court, on this the 29th day of September, 2026.

Sd/-

Fast Track Special Judge for Trial and
Disposal of Rape and POCSO Act cases,
R.R.District at L.B.Nagar.

Questionnaire on the quantum of sentence

27. The accused is present. The accused is heard with regard to the quantum of sentence to be imposed to, which the accused stated that he is the sole bread earner of the family. His entire family dependent on his earnings and if he sent to jail his family will come on road and will suffer a lot. He requested the Court to reduce sentence, he prayed to take a lenient view.

The learned counsel for the accused prayed the Court to take a lenient view in awarding the sentence. The learned Additional Public Prosecutor submitted that no lenient view can be given to the accused in awarding the sentence.

28. Upon hearing the plea submitted by the accused and having regard to the facts and circumstances, the nature of the offence, the manner in which the offence is perpetrated, this Court is not inclined to give a lenient view against the accused and to apply the provisions of the Probation of Offenders Act of Section 401 of BNSS to the accused.

29. In the result, the accused is convicted under Section 258(2) of the BNSS for the offence punishable under Section 5(f) of the Protection of Children from Sexual Offences Act, 2012, which is punishable under Section 6 of the said Act, and he is sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.5,000/- (Rupees five thousand only). In default of payment of fine, he shall suffer simple imprisonment for a period of two months.

29(i). The convict/accused is also sentenced to suffer rigorous imprisonment for life and also to pay a fine of Rs.5,000/- (Rupees five thousand only) in default to suffer simple imprisonment for two months, for the offence under

Section 5(l) of the Protection of Children from Sexual Offences Act, 2012 which is punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

29(ii). The convict/accused is also sentenced to suffer rigorous imprisonment for life and also to pay a fine of Rs.5,000/- (Rupees five thousand only) in default to suffer simple imprisonment for two months, for the offence under Section 5(o) of the Protection of Children from Sexual Offences Act, 2012 which is punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

29(iii). The convict/accused is also sentenced to suffer rigorous imprisonment for life and also to pay a fine of Rs.5,000/- (Rupees five thousand only) in default to suffer simple imprisonment for two months, for the offence under Section 5(p) of the Protection of Children from Sexual Offences Act, 2012 which is punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

29(iv). The convict/accused is also sentenced to suffer rigorous imprisonment for two years (2) and also to pay a fine of Rs. 500/- (Rupees five hundred only) in default to suffer simple imprisonment for 15 days, for the offence under Section 351(1) of BNS.

30. The fine amount of Rs.20,000/- (Rupees twenty Thousand) imposed against the accused for the offences under Section 5 (f), 5(l), 5(o), and 5(p) read with Section 6 of the POCSO Act, shall be paid to the victim-boy/PW.3 to meet medical expenses and his rehabilitation.

31. All sentences of imprisonment imposed against the accused shall run concurrently. The remand period undergone by the accused shall be given set off under **Section 468** of the Bharatiya Nagarik Suraksha Sanhita, 2023. The accused is informed about his right to prefer appeal before the Hon'ble High Court against the Judgment passed by this Court. The accused is also informed as to the right to seek legal aid to prefer an appeal before the Hon'ble High Court. Accused is furnished the copy of Judgment on free of cost in compliance of **Section 404** of the **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**.

32. As the accused stands convicted for the offences punishable under Section 351 of the Bharatiya Nyaya Sanhita, 2023, and Sections 5(f) read with 6, 5(i) read with 6, 5(l) read with 6, 5(o) read with 6 and 5(p) read with 6 of the Protection of Children from Sexual Offences Act, 2012, this Court has carefully considered the circumstances of the case and the impact of the offences upon PW3, the victim boy, who was about 13 years of age at the relevant time. The evidence on record shows that the victim was subjected to forcible anal penetrative sexual assault and was also threatened by the accused, resulting in physical injury, mental trauma and serious impact upon his dignity and emotional well-being. Considering the tender age of the victim, the nature and gravity of the offences, the physical injuries suffered by him, and the need for his continued rehabilitation, this Court is of the view that adequate compensation is necessary to assist him in his recovery and future well-being. The compensation is intended to support his medical and psychological care, education and rehabilitation and to enable him to rebuild his life with dignity.

32(i). Accordingly, an amount of Rs.2,00,000/- (Rupees Two Lakhs only) is awarded as compensation to PW3, the victim boy, towards his rehabilitation, education and welfare. The Secretary, District Legal Services Authority, is directed to take necessary steps for payment of the said compensation from the Victim Compensation Fund, at the earliest, in accordance with law. **MO1 I.e, Red colour Honda Bike Bearing No. TG 07 09436. is ordered to be confiscate to state after expiry of appeal time.**

Dictated to the Stenographer, corrected by me and pronounced by me in the open Court, on this the 29th day of September, 2026.

Sd/-

Fast Track Special Judge for Trial and
Disposal of Rape and POCSO Act cases,
R.R.District at L.B.Nagar.

APPENDIX OF EVIDENCE
(Witnesses examined)

For the prosecution:

PW's No.	Name Of Witness Description	Description
1	Father of the victim boy.	Complainant.
2	Mother of the victim boy.	Circumstantial witness.
3	Victim boy.	Sufferer.
4.	Vaddi Kavya.	Conducted sodomy test and issued preliminary examination report.
5.	H. Noor Khan	Panch for confession cum seizure panchanama of the accused.
6.	Dr.N. Katthik	Assistant professor, Government medical college, Ramagundam.

7.	Ch. Jithender Reddy	Investigating officer.
8.	P. Guruva Reddy	Arrested the accused.

For the defence:**Nil****EXHIBITS MARKED****For the prosecution:**

Exhibit No.	Description of the Exhibit	Proved by/Attested by
P1	Complaint.	PW1.
P2	Signature of PW3 On Statement recorded under section 183 of BNSS (2 in number).	PW2.
P3	Preliminary examination report issued by PW4 Dated 06-01-2025.	PW4.
P4	Forensic Science Laboratories Report Dated 05-02-2025.	PW4.
P5	Final Opinion Dated 21-02-2025.	PW4.
P6	Signature of PW5 on Confession cum seizure panchanama of the accused.	PW5.
P7	Potency certificate.	PW6.
P8	Relevant admissible portion of confession cum seizure panchanama of the accused.	PW7.
P9	First Information Report.	PW8.
P10	Original Birth Certificate of the victim boy.	PW8.
P11	Crime Details Form.	PW8.

P12	Bonafide certificate of the victim boy.	PW8.
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Material Objects:

Material Objects	Description of the Material Objects	Proved by/Attested by
MO1	Red colour Honda Bike Bearing No. TG 07 09436.	PW7.

Sd/-

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