



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

CRL.A. No. 8 OF 2025

Sri. Daniel Lalhmachhuana
S/o: Laldawngliana (L)
R/o: Rangvamual, Aizawl, Mizoram.

.....Appellant

-Versus-

- 1.** State of Mizoram,
Represented by Secretary to the
Government of Mizoram, Home
Department, Aizawl, Mizoram.
- 2.** Christopher Lalchhandama
F/o- X (minor),
R/o- Edentharr, Aizawl, Mizoram.

..... Respondents

- B E F O R E -

HON'BLE MR. JUSTICE NELSON SAILO
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

For the Appellant(s) : Mr. Saurabh Pradhan, Advocate.

For the Respondent(s) : Ms. Linda L. Fambawl, Public
Prosecutor, for the respondent No. 1.
Mrs. Emily L. Chhangte, Legal Aid Counsel
for the respondent No. 2.

Date on which judgment

is reserved : **26.05.2026**

Date of pronouncement
of judgment : **29.05.2026.**

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

Whether the full judgment
has been pronounced : **Yes.**

JUDGMENT & ORDER (CAV)

(Kaushik Goswami, J)

Heard Mr. Saurabh Pradhan, learned counsel appearing for the appellant. Also heard Ms. Linda L. Fambawl, learned Public Prosecutor appearing for the State respondent; and Mrs. Emily L. Chhangte, learned Legal Aid Counsel, appearing for the respondent No. 2.

2] This appeal under Section 415 of BNSS, 2023, has been preferred by the appellant Sri. Daniel Lalhmachhuana, impugning the Judgment dated 17.02.2025 as well as order of Sentence dated 27.02.2025 passed by the Court of learned Special Judge, POCSO Act, 2012, Aizawl Judicial District, Aizawl (hereinafter referred to as the "trial court"), in Sessions Case No. 82/2022, in connection with Criminal Trial No. 974/2022, corresponding to All Women P.S. Case No. 14/2022, whereby the appellant was convicted and sentenced under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "POCSO Act"),

read with Section 376 of the Indian Penal Code, 1860 (hereinafter referred to as the "IPC").

3] The facts leading to the filing of the present appeal, shorn of unnecessary details, are that on 17.03.2022, one Smt. K. Lalrinsiami, a Social Worker attached to the District Child Protection Unit, Aizawl, lodged an FIR before the Officer-in-Charge of All Women Police Station, Aizawl, *inter alia* alleging that, on the same day at about 4:00 p.m., she had received telephonic information from MHIP, Zuangtui, to the effect that one minor girl (hereinafter referred to as "X", in order to protect her identity), aged about 13 years, had been induced into prostitution by the accused persons namely Lalrinchhana and Zonunmawii. It was further alleged that the victim girl had been sold to several males during the period from 13.01.2022 till the latter part of February, 2022. Acting on the basis of the aforesaid FIR, All Women P.S. Case No. 14/2022 was registered under Sections 4(1)/5(1)(a) of the Immoral Traffic (Prevention) Act, 1956, read with Section 376(3) of the IPC and Section 6 of the POCSO Act, and investigation was accordingly commenced.

4] Upon completion of the investigation, a charge-sheet came to be filed against the present appellant (A-3) along with four other accused persons, namely, Lalrinchhana (A-1), Zonunmawii (A-2), Andrew Lalrintluanga (A-4), and K. Lalbiakmawia (A-5). During the pendency of the trial, accused Andrew Lalrintluanga (A-4) absconded, as a result of which the proceedings could not culminate in a judgment against

him. The trial, however, proceeded against the remaining accused persons, including the present appellant.

5] Upon consideration of the materials placed on record and after hearing learned counsel appearing for the parties, the trial court, by order dated 18.08.2022, framed charges against the present appellant under Sections 4(1) and 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956, Section 376 of the IPC, and Section 6 of the POCSO Act. When the charges were read over and explained to the appellant, he pleaded not guilty and claimed to be tried. Similar charges were framed against the other accused persons facing trial.

6] To establish the charges, the prosecution examined 17 witnesses out of the 20 witnesses cited in the charge-sheet, including the victim girl. Upon closure of the prosecution evidence, the present appellant was examined under Section 313 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the "Cr.P.C."), on 09.09.2024. The incriminating circumstances appearing against him were put to him, which he generally denied. While disputing the prosecution allegations, he offered limited explanations in response to certain questions.

7] Ultimately, by the impugned judgment dated 17.02.2025, the learned trial court convicted the present appellant for the offence punishable under Section 6 of the POCSO Act read with Section 376 of the IPC and sentenced him to undergo rigorous imprisonment for a period of twenty

years, along with a fine of Rs. 5,000/-, with a default sentence of simple imprisonment for seven days.

8] The learned trial court also convicted accused Lalrinchhana (A-1) and Zonunmawii (A-2) under the relevant provisions of the Immoral Traffic (Prevention) Act, the POCSO Act, and the IPC, while extending the benefit of doubt to accused K. Lalbiakmawia (A-5) and acquitting him.

9] Aggrieved thereby, the present appeal has been preferred by accused A-3.

10] Learned counsel appearing for the appellant submits that, insofar as the present appellant is concerned, the prosecution case rests entirely upon the sole testimony of the victim, unsupported by any independent corroborative evidence. It is contended that the testimony of the victim cannot be regarded as wholly trustworthy, unimpeachable, or of sterling quality so as to sustain a conviction in the absence of corroboration. Learned counsel submits that there are material inconsistencies in her account concerning the alleged sexual assault attributed to the appellant, particularly regarding the place of the incident and surrounding circumstances. It is further argued that the victim, while making her statement under Section 164 Cr.P.C. before the jurisdictional Magistrate, did not disclose the name of the present appellant at all. According to the appellant, this omission strikes at the root of the prosecution case and materially undermines the credibility of her subsequent testimony before the trial court. On the aforesaid basis, it is

urged that the conviction recorded by the trial court is unsustainable in law and warrants interference. In support of the said submissions, reliance has been placed upon the decision of the coordinate Bench of this Court in ***Ibomcha v. State of Mizoram***, in ***(Crl. A. No. 7 of 2020)***.

11] *Per contra*, learned Public Prosecutor appearing for the State submits that the learned trial court, upon proper appreciation of the evidence on record, rightly found the testimony of the victim to be credible and trustworthy. It is submitted that the victim had, at the earliest stage during investigation, clearly disclosed the role of the present appellant and specifically stated that he had sexually assaulted her on three occasions after taking her out in his vehicle. According to the prosecution, there is no discernible reason for the victim to falsely implicate the appellant.

11.1] Learned Public Prosecutor further submits that the appellant himself, in his statement under Section 313 Cr.P.C., admitted that he had taken the victim in his car, though he denied having had sexual intercourse with her. This, according to the prosecution, constitutes a significant circumstance lending assurance to the prosecution version. It is also pointed out that the coordinate Bench of this Court, while adjudicating the appeal preferred by co-accused Zonunmawii (A-2) in ***Crl. A. No. 9 of 2025***, has already affirmed the impugned judgment and upheld the findings recorded by the trial court regarding the broader trafficking and exploitation of the victim.

12] Learned Legal Aid Counsel appearing for respondent No. 2/informant, while adopting the submissions advanced by the learned Public Prosecutor, contends that the non-disclosure of the appellant's name in the statement recorded under Section 164 Cr.P.C. is, at best, an omission and not a contradiction of such nature as would render the victim's testimony unreliable. It is submitted that a statement recorded under Section 164 Cr.P.C. is not substantive evidence and may only be used for purposes of corroboration or contradiction in accordance with law. Learned counsel further submits that unless the alleged omission was specifically confronted to the witness in the course of cross-examination in the manner known to law, the same cannot be magnified to discredit the entire prosecution case.

13] We have given our anxious consideration to the rival submissions advanced on behalf of the parties and have carefully perused the materials available on record, including the evidence adduced before the learned trial court and the authorities cited at the Bar.

14] Before examining the rival contentions, it would be apposite to undertake a careful analysis of the prosecution evidence.

15] PW-1, namely, Smt. K. Lalrinsiami, the first informant in the case, deposed before the learned trial court that she was working as a social worker at the District Child Protection Office, Laipuitlang, Aizawl. According to her, on 17.03.2022 at about 4:00 p.m., she received a telephone call from one Smt.

Lalramthari, President of MHIP, Zuangtui, informing her that a minor girl had been forced into prostitution by a couple with whom she had been residing and assisting in domestic work. She further deposed that upon receiving the said information, she proceeded to Zuangtui to enquire into the matter and met the victim girl. During such interaction, the victim disclosed to her that she had been forced into prostitution by accused Zonunmawii and her husband, namely, Lalrinchhana. The victim further informed her that she complied with the directions of the accused persons out of fear of being physically assaulted. PW-1 also stated that during her interaction with the accused persons, namely, Lalrinchhana and Zonunmawii, she came to learn that they used to receive money in exchange for permitting the victim to sleep with strangers for a night, charging amounts of Rs. 4,000/- and Rs. 1,500/-. She further deposed that the victim informed her that she could not even recollect the number of persons with whom she had been compelled to have sexual intercourse. The FIR lodged by her was exhibited as Exhibit P-2.

16] During cross-examination by the learned defence counsel appearing for the present appellant (A-3), PW-1 stated that she had no personal knowledge regarding the involvement of the present appellant in the alleged offence. She further admitted that she had not personally witnessed any act of sexual assault being committed upon the victim.

17] PW-2, namely, the victim girl ("X"), deposed that she had been residing in the house of accused Lalrinchhana and Zonunmawii at Edentharr Vengchhak, where she used to assist

them in household chores. According to her, initially the accused persons treated her well and had even celebrated her birthday on 12.01.2022. However, on the following day, i.e., 13.01.2022, the accused persons sent her with a man who had arrived in a white car. According to PW-2, accused Zonunmawii represented the said individual to be her uncle and informed her that he was taking her to his house for food. Instead, the said individual allegedly took her to a secluded area and forcibly subjected her to sexual intercourse despite her resistance. PW-2 further deposed that, as a consequence of the said act, she experienced pain and bleeding. She further stated that after the incident, the said individual dropped her near the residence of the accused persons, where accused Zonunmawii and her husband were waiting by the roadside. PW-2 further deposed that she did not disclose the incident to the accused persons, as she had by then realised that they themselves had sent her with the said individual for such purpose.

17.1] PW-2 further deposed that, from the aforesaid day onwards, the accused persons repeatedly sent her with different men after communicating with them over mobile phones. She stated that she had personally seen such communications on the mobile phone of accused Zonunmawii. According to her, whenever she refused to accompany the persons chosen by the accused persons, she was subjected to physical assault. She further deposed that the present appellant (A-3) sexually assaulted her on three separate occasions at different places, and on each such occasion

dropped her near the residence of Lalrinchhana and Zonunmawii in a metallic/silver coloured vehicle. She also deposed that accused Andrew Lalrintluanga (A-4) had sexually assaulted her inside the house of the present appellant.

17.2] PW-2 further deposed that accused K. Lalbiakmawia (A-5) was the last person who sexually assaulted her in his Bolero vehicle. She stated that while returning thereafter, Lalrinchhana and Zonunmawii joined accused K. Lalbiakmawia (A-5) in the said vehicle, and both of them consumed liquor by the roadside after stopping the vehicle. Taking advantage of the situation, she escaped from the vehicle and sought shelter at the residence of one of her friends, namely, Smt. Thutiami. During her testimony, PW-2 also stated that she could not recollect all the dates on which she had been subjected to sexual assault by the accused persons.

17.3] PW-2 further deposed that while she was staying at the residence of her friend, Smt. Thutiami, accused Zonunmawii came to know about her whereabouts. Thereafter, her friend dropped her at the residence of one of her relatives, from where she proceeded to Leithum village and subsequently to Champhai. She stated that she remained at Champhai for four nights before returning to Aizawl. She also stated that her statement had been recorded before the Court, which was exhibited as Exhibit P-1.

18] During cross-examination by the learned defence counsel appearing for the present appellant (A-3), PW-2 admitted that more than ten male persons had been involved in the sexual exploitation to which she had been subjected. She clarified that she herself had not lodged any written complaint before the police against the accused persons. She denied the suggestion that she had represented herself to be above eighteen years of age before the accused persons. She further denied the suggestion that the present appellant had never sexually assaulted her or taken her anywhere. She also denied the suggestion that she had been tutored by the police or by any other person to falsely implicate the accused persons.

19] PW-3, namely, Smt. Zonunsangi, the paternal grandmother of the victim, deposed that the victim was born on 12.01.2009 and was the daughter of her son, Lalchhandama. She further stated that after the separation between her son and the victim's mother, the victim had been residing with her father. According to PW-3, towards the end of the year 2021, the victim left her father's house after being scolded for not studying properly. She further deposed that in January 2022, accused Lalrinchhana (A-1) and Zonunmawii (A-2) came to her residence and informed her that the victim would stay with them and that they would look after her and ensure continuation of her education. She further stated that after some time, the victim disclosed to her that accused A-1 and A-2 had sexually exploited her by sending her to various men.

20] In her cross-examination, PW-3 admitted that she did not know the present appellant personally. Her evidence, therefore, does not directly implicate the appellant but is relevant in relation to the circumstances under which the victim came to reside with accused A-1 and A-2 and the issue relating to her age.

21] PW-4, namely, Lalchhanhimi, deposed that she had learnt from the victim that accused Lalrinchhana and Zonunmawii compelled her to engage in prostitution and assaulted her whenever she refused. She further stated that the victim had stayed at her house for two nights after fleeing from the accused persons and that when accused A-1 and A-2 came to take her back, the victim refused to accompany them.

22] In her cross-examination, PW-4 admitted that she had not personally witnessed any sexual act involving the victim. She further clarified that the victim had not disclosed anything specifically concerning the present appellant. Her testimony, therefore, lends contextual support to the prosecution case concerning the larger exploitation alleged against accused A-1 and A-2, but does not directly bear upon the culpability of the present appellant.

23] PW-5, namely, Ms. Lalbiakdiki, deposed that she was working as a Home Mother at the Centre for Peace and Development, Aizawl, where minor victims of abuse were accommodated. She stated that she accompanied the victim to the police station, where the birth certificate of the victim

was seized. However, in her cross-examination, she admitted that she had not actually witnessed the seizure in the manner suggested by the prosecution.

24] PW-6 and PW-7 deposed as seizure witnesses in relation to the mobile handset allegedly seized from the possession of the present appellant. Though both admitted in cross-examination that they were police personnel, they denied the suggestion that no such seizure had taken place.

25] PW-8 deposed as a seizure witness concerning the vehicle allegedly seized from the possession of the appellant.

26] PW-9 did not materially support the prosecution case.

27] PW-10 and PW-11 were examined as seizure witnesses in relation to the mobile handset seized from accused Andrew Lalrintluanga (A-4). Their evidence is formal in nature.

28] PW-12, Dr. Zosangpuii, the medical officer who examined the victim, deposed that upon examination, no fresh signs of violence or seminal traces were detected. However, an old rupture of the hymen was noticed. She further stated that the victim had disclosed a history of repeated sexual exploitation and multiple sexual encounters. The medical examination report was exhibited as Exhibit P-37.

29] In her cross-examination, PW-12 clarified that the hymenal rupture could have resulted from sexual intercourse with persons other than the accused persons. Thus, while the medical evidence is consistent with prior sexual activity, it does not specifically identify the perpetrator.

30] PW-13 to PW-15 are medical witnesses who examined the accused persons. Their evidence is formal in nature and does not materially advance the case against the present appellant.

31] PW-19, Ms. Sarah Lalrinkimi, one of the Investigating Officers, deposed regarding registration of the FIR, arrest of the accused persons, seizure of mobile devices, recording of statements, and extraction of electronic communications. She stated that the victim's statement was recorded during investigation and that the victim was also produced before the jurisdictional Magistrate for recording of her statement. Significantly, this witness was not cross-examined on behalf of the present appellant.

32] PW-20, the succeeding Investigating Officer, deposed regarding continuation of the investigation, examination of electronic materials, seizure of devices, interrogation of accused persons, and submission of the charge-sheet.

33] In cross-examination, he admitted that the medical evidence did not directly connect any specific accused person with the alleged sexual assault.

34] Upon closure of the prosecution evidence, the present appellant was examined under Section 313 Cr.P.C. While generally denying the incriminating circumstances, he admitted that he had taken the victim in his vehicle, though he denied having had sexual intercourse with her and claimed that he had instead advised her not to engage in prostitution. The appellant did not adduce any defence evidence.

35] It is pertinent to note that co-accused Zonunmawii (A-2) had also preferred an appeal before this Court by way of *Crl. A. No. 9 of 2025 (Smt. Zonunmawii v. State of Mizoram)*, wherein a coordinate Bench of this Court, upon a re-appreciation of the evidence on record, affirmed the judgment of conviction and sentence rendered by the learned trial court. While upholding the conviction of the said accused, the coordinate Bench affirmed the findings regarding the minority of the victim as well as the fact that accused Lalrinchhana (A-1) and Zonunmawii (A-2) had procured and exploited the victim for commercial sexual purposes.

36] In view of the aforesaid adjudication, and having independently examined the materials placed on record, we find no reason to take a different view insofar as the age of the victim is concerned. The birth certificate brought on record, coupled with the testimonies of PW-2 and PW-3, clearly establishes that the victim was born on 12.01.2009 and was, therefore, a minor at the time of the alleged occurrence.

37] Likewise, the evidence on record unmistakably establishes that the victim had been subjected to repeated sexual exploitation after being placed in the custody of accused A-1 and A-2. The findings recorded by the coordinate Bench on that aspect reinforce the broader factual backdrop against which the present appeal falls for consideration. However, the issue arising in the present appeal is considerably narrower in scope. The question requiring determination is whether the prosecution has succeeded in

establishing, beyond reasonable doubt, that the present appellant was one of the persons who committed penetrative sexual assault upon the victim.

38] At the outset, it must be acknowledged that, insofar as the present appellant is concerned, the prosecution case rests substantially upon the direct testimony of the victim. There is no independent eyewitness account of the alleged sexual assault involving the appellant. The medical evidence does not specifically identify him as the perpetrator, nor is there forensic evidence directly linking him to the offence. That, however, does not by itself render the prosecution case infirm.

39] It is by now well settled that in cases involving sexual offences, particularly offences under the POCSO Act, conviction can lawfully be founded upon the sole testimony of the prosecutrix, provided such testimony is found to be trustworthy, credible, and of such quality as to inspire judicial confidence. Corroboration is not a rule of law.

40] In *Ganesan v. State*, reported in *(2020) 10 SCC 573*, the Apex Court reiterated that the testimony of a child victim of sexual assault, if cogent and confidence-inspiring, can form the sole basis of conviction and need not be corroborated merely because of the nature of the allegation.

41] Similarly, in *Rai Sandeep v. State (NCT of Delhi)*, reported in *(2012) 8 SCC 21*, the Apex Court explained the concept of a "sterling witness" and observed that where the testimony of a witness remains materially consistent, natural,

and unshaken on the substantive aspects of the occurrence, the Court may safely act upon such testimony without insisting upon independent corroboration.

42] Likewise, in *Santhosh Moolya v. State of Karnataka*, reported in **2022 SCC OnLine SC 1243**, it was held that minor inconsistencies, trivial discrepancies, or omissions touching peripheral aspects do not justify rejection of otherwise reliable testimony.

43] The principle that emerges from the aforesaid decisions is that what the Court must scrutinize is not the existence of corroboration as a condition precedent, but the intrinsic worth of the testimony itself. The question, therefore, is whether the testimony of PW-2, insofar as it implicates the present appellant, satisfies the test of reliability.

44] Upon careful examination of the testimony of PW-2, we find that she has categorically identified the present appellant before the learned trial court and has specifically deposed that he had taken her out in his vehicle and subjected her to sexual intercourse on three separate occasions. Her evidence is not vague on the core allegation. Though she may not have been able to furnish exact dates or precise locations with mathematical certainty, her account remains consistent on the material particulars, namely, the identity of the appellant, the nature of the acts attributed to him, and the repeated nature of the assaults.

45] Significantly, during her cross-examination, the victim remained steadfast on the central accusation against the

appellant. Though she admitted that she had been sexually exploited by multiple men and could not recollect every specific detail concerning each occurrence, she consistently maintained that the present appellant was one of the persons who had sexually assaulted her and that he had done so on more than one occasion. The inability of a child victim of sustained exploitation to furnish exact chronological particulars cannot, in the facts of such a case, be elevated into a circumstance destroying the core credibility of her testimony.

46] Learned counsel for the appellant, however, has strenuously contended that the testimony of the victim is rendered unreliable because, in her statement recorded under Section 164 Cr.P.C., she did not specifically mention the name of the present appellant. The submission, though attractive at first blush, does not withstand closer scrutiny.

47] A statement recorded under Section 164 Cr.P.C. is not substantive evidence. Its utility lies in corroboration or contradiction in accordance with settled principles of evidence. The mere fact that every factual detail subsequently deposed to at trial does not find place in such statement does not automatically render the witness unreliable. The crucial inquiry is whether the omission is of such nature as to amount to a material contradiction striking at the root of the prosecution case.

48] In the present case, though the victim did not specifically mention the appellant by name in her statement

under Section 164 Cr.P.C., she clearly stated that accused A-1 and A-2 had repeatedly sent her with different men who took her to various places and had sexual intercourse with her. Thus, the substratum of the prosecution case remained consistent. The omission pertains to the non-disclosure of a specific name, not to a denial or contradiction of the underlying occurrence.

49] More importantly, the statement recorded under Section 161 Cr.P.C. reveals that the victim had specifically disclosed the role of the present appellant during investigation and had stated that he had sexual intercourse with her on three occasions after taking her out in his vehicle. Thus, the allegation against the appellant was not an embellishment introduced for the first time during trial. Rather, it formed part of the prosecution narrative from the early stage of investigation itself.

50] The legal position concerning omission vis-à-vis contradiction is equally well settled. An omission in an earlier statement does not *ipso facto* amount to a contradiction unless what is subsequently stated is irreconcilable with the earlier version. Only such omission as materially alters the substance of the prosecution case or is fundamentally inconsistent with the later testimony can be treated as a contradiction of evidentiary significance.

51] In *Jaswant Singh v. State of Haryana*, reported in **(2004) 4 SCC 484**, the Apex Court observed that whether an omission amounts to a contradiction would depend upon the

nature of the omission, the context in which it occurred, and whether the witness had an occasion or was specifically called upon to disclose the omitted fact. The explanation appended to Section 162 Cr.P.C. makes it clear that every omission is not necessarily a contradiction.

52] Tested on the aforesaid principles, the omission of the appellant's name from the victim's statement under Section 164 Cr.P.C. does not, in our considered view, materially undermine her testimony before the Court. What remains significant is that the victim consistently maintained that she had been repeatedly sent by accused A-1 and A-2 with different men who subjected her to sexual intercourse. The omission relates only to the non-disclosure of the appellant's specific identity in that statement; it does not amount to a denial of the occurrence itself. Such omission, viewed in the factual context of the present case, cannot be treated as fatal.

53] We are also mindful of the fact that the victim in the present case was a child subjected to repeated exploitation over a period of time. Courts must remain sensitive to the manner in which child victims recount traumatic experiences. Such disclosures are not always linear, chronologically precise, or exhaustive at the first available opportunity. Minor gaps, hesitations, or partial disclosures cannot be mechanically construed as indicators of falsehood. [Refer: - ***Court on its Own Motion v. State***, reported in **2018 SCC OnLine Del 10301**].

54] Another circumstance which lends assurance to the prosecution case is the explanation furnished by the appellant in his examination under Section 313 Cr.P.C. While generally denying the allegations, the appellant admitted that he had taken the victim in his vehicle. His explanation was that he had not engaged in sexual intercourse with her and had instead advised her against involvement in prostitution. The admission regarding his association with the victim in the very manner broadly alleged by the prosecution assumes significance.

55] It is true that a statement under Section 313 Cr.P.C. is not substantive evidence for the prosecution in the strict sense. However, where an accused admits a circumstance otherwise relevant to the prosecution case, the Court is entitled to take such explanation into account while appreciating the totality of circumstances. In the present case, the appellant's admission that he had taken the victim in his vehicle provides a measure of assurance to the prosecution version regarding his contact with the victim.

56] Significantly, the defence suggestion now sought to be projected through the appellant's explanation that he merely gave the victim a ride and attempted to dissuade her from prostitution was never specifically put to the victim during her cross-examination. No factual foundation was laid to probabalise such a defence. Nor did the appellant choose to adduce any evidence in support thereof.

57] The law does not compel an accused to enter the witness box or adduce evidence. However, where a specific exculpatory version is advanced, its absence from the cross-examination of material witnesses is a relevant circumstance while assessing its credibility. The explanation furnished by the appellant appears more in the nature of an afterthought than a credible defence.

58] The medical evidence, though not directly connecting the appellant with the offence, does not in any manner discredit the prosecution case. Given the admitted lapse of time between the alleged incidents and the medical examination, absence of fresh physical injuries or forensic traces cannot be treated as inconsistent with the prosecution version. Indeed, the medical evidence broadly corroborates the fact that the victim had been subjected to prior sexual activity.

59] Upon an overall appreciation of the evidence, we find that the testimony of the victim, insofar as it implicates the present appellant, remains consistent on the material aspects. Her account regarding the appellant was disclosed during investigation, reiterated before the trial court, and remained substantially unshaken in cross-examination. The omission in the Section 164 Cr.P.C. statement does not, in the facts of the case, rise to the level of a material contradiction sufficient to discredit her testimony.

60] We are, therefore, satisfied that the prosecution has succeeded in establishing the guilt of the present appellant

beyond reasonable doubt. The findings recorded by the learned trial court do not suffer from perversity, legal infirmity, or misappreciation of evidence warranting interference in appellate jurisdiction.

61] Consequently, the appeal, being devoid of merit, stands dismissed. The judgment of conviction dated 17.02.2025 and the order of sentence dated 27.02.2025 passed by the learned Special Judge, POCSO Act, Aizawl Judicial District, Aizawl, in Sessions Case No. 82/2022 corresponding to Criminal Trial No. 974/2022 arising out of All Women P.S. Case No. 14/2022, are hereby affirmed insofar as they relate to the present appellant.

62] The appellant shall undergo the remaining part of the sentence.

63] The learned Legal Aid Counsel shall be entitled to fees in accordance with the prevailing rates prescribed by the State Legal Services Authority, which shall process and disburse the same in accordance with law.

64] Let the Trial Court Records be returned forthwith.

JUDGE

JUDGE

Comparing Assistant