



2025 INSC 797

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO(S). _____/2025
(Arising out of SLP(Crl.) Nos. 16689-16690/2024)**

PINTU THAKUR @ RAVI ETC.

APPELLANT(s)

VERSUS

STATE OF CHHATTISGARH

RESPONDENT(s)

O R D E R

Leave granted.

2. Being aggrieved by the judgment dated 26.04.2024 passed in Criminal Appeal No.1686/2023 and Criminal Appeal No.2130/2023 passed by the High Court of Chhattisgarh, the appellants are before this Court. By the said judgment, the appellants were convicted as under:

Conviction Under Section	Jail Sentence Rigorous	Fine	In Default of Payment of Fine
363 of the Indian Penal Code (for short, the IPC)	5 years	Rs.500/-	1 month
366 of the IPC	5 years	Rs.500/-	1 month
342 of the IPC	1 year		
Section 6 of the POCSO Act, 2012	Imprisonment for life which shall mean imprisonment for the remainder of natural life	Rs.15,000/-	2 months
All the sentences have been directed to run concurrently.			

3. Learned counsel for the appellants made a two-fold submission: firstly, he contended that the very conviction of the appellants by the Additional Sessions Judge Fast Track

Special Court (POSCO Act) Ramanujganj, District Balrampur in Special Sessions (POCSO) Case No.36/2020 was erroneous.

4. Secondly, it was submitted that if this Court is not inclined to interfere with the conviction of the appellants then at least the appeals could be considered vis-a-vis reduction in their sentence having regard to Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act"). He contended that the minimum sentence under Section 6 of the POCSO Act is twenty years whereas the Trial Court has imposed life imprisonment for the remainder of the natural life which is a harsh punishment. It was submitted that the appellants at the time of the incident were in their early twenties and have completed a little over five years of incarceration. In the circumstances, the appeals filed by the appellants may be allowed.

5. Per contra, learned standing counsel for the respondent-State vehemently objected to any of the contentions raised by the appellants herein being accepted. He submitted that the High Court has rightly affirmed the judgment of conviction which has been rendered by the Trial Court. Further the sentence of life imprisonment which shall be imprisonment for the remainder of natural life is in accordance with Section 6 of the POCSO Act. Therefore, there is no merit in this appeal.

6. We have given our anxious consideration to the arguments advanced at the Bar. We are not inclined to interfere with the

judgment of conviction passed by the Special Court and which has been affirmed by the impugned order. However, we have considered the second submission made by the learned counsel for the appellants which is in light of Section 6 of the POCSO Act. Section 6 of the said Act reads as under:

"6. Punishment for aggravated penetrative sexual assault.—

Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine."

7. On a reading of the same, we find that the minimum punishment delineated under the said Section is twenty years but which may extend to imprisonment for life which shall mean imprisonment for remainder of natural life of the accused and shall be liable to fine or with death. The Special Court has not ordered death penalty but has not considered any mitigating circumstance in the instant case, instead the higher punishment of life imprisonment for the remainder of natural life of the person has been imposed which has been affirmed by the High Court.

8. However, the minimum sentence under Section 6 of the POCSO Act is twenty years. Bearing in mind the fact that the appellants herein were in their early twenties when the incident took place and the fact that now they have completed only five years of incarceration and even for completion of the

minimum sentence it would mean another fifteen years, we find that the appellants are now in their mid-twenties and even if the minimum sentence is to be completed they would be in their early forties.

9. We find that the interest of justice would be served in the instant case, if we reduce the sentence imposed on them from imprisonment for life which shall mean imprisonment for the remainder of natural life to twenty years.

10. Consequently, we allow the appeals in part by reducing the sentence to twenty years.

The appeals are allowed in part in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

....., J.
(B.V. NAGARATHNA)

....., J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
MAY 27, 2025

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)Nos.16689-16690/2024
[Arising out of impugned final judgment and order dated 26-04-2024
in CRA No. 1686/2023 26-04-2024 in CRA No. 2130/2023 passed by the
High Court of Chhatisgarh at Bilaspur]

PINTU THAKUR @ RAVI ETC.

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH

Respondent(s)

(IA No. 264176/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 264178/2024 - EXEMPTION FROM FILING O.T.)

Date : 27-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA
(PARTIAL COURT WORKING DAYS BENCH)

For Petitioner(s) Mr. Md. Farman, AOR
Mr. Salman Khan, Adv.
Mr. Aditya Tanwar, Adv.

For Respondent(s) Mr. Apoorv Shukla, AOR
Mr. Prabhleen A. Shukla, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in part in terms of the
signed non-reportable order which is placed on the file.

Pending application(s), if any, shall stand disposed
of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)