



IN THE HIGH COURT OF ORISSA AT CUTTACK

**CRLA No.1145 of 2025**

(In the matter of an application under Section 415(2) of Bharatiya  
Nagarik Suraksha Sanhita, 2023 corresponding to Section 374(2) of  
Criminal Procedure Code, 1973).

*Sanat Kumar Pradhan* .... *Appellant (s)*

*-versus-*

*State of Odisha* .... *Respondent (s)*

Advocates appeared in the case through Hybrid Mode:

*For Appellant (s)* : *Mr. Satya Narayan Mishra-4, Adv.*

*For Respondent (s)* : *Ms. Gayatrii Patra, ASC*

**CORAM:**

**DR. JUSTICE SANJEEB K PANIGRAHI**

**DATE OF HEARING:-21.01.2026**

**DATE OF JUDGMENT:-13.02.2026**

**Dr. Sanjeeb K Panigrahi, J.**

1. The present appeal arises out of the judgment dated 09.04.2025 passed by the learned Ad-hoc Additional District & Sessions Judge (FTSC), Kandhamal, Phulbani in C.T. No. 05 of 2024, arising from Phiringia P.S. Case No. 31 dated 30.01.2024, whereby the appellant Sanat Kumar Pradhan was convicted for offences under Section 6(1) of the POCSO Act and Section 376(2)(n) IPC, and sentenced to undergo rigorous imprisonment for 20 years with fine of ₹20,000/-, while the co-accused parents were acquitted of charges under Sections 498-A/506 IPC.



**I. FACTUAL MATRIX OF THE CASE:**

**2. The brief facts of the case are as follows:**

- (i) The prosecution case, in brief, is that on 18.07.2016, when the victim was allegedly about 17 years old, the appellant came to her house during the absence of her parents and allegedly committed forcible sexual intercourse, threatening her not to disclose the incident.
- (ii) The victim later disclosed the incident to her mother, who informed the victim's father. A village meeting was convened, wherein the appellant allegedly admitted the incident and the parties decided that the appellant would marry the victim after she attained majority.
- (iii) During the intervening years, the appellant allegedly continued visiting the victim and maintaining physical relations with her. After the victim attained majority, the parties solemnized marriage on 12.05.2021 according to their customs.
- (iv) After the marriage, the couple allegedly lived together for about 10–15 days, following which the appellant left the matrimonial house and did not maintain contact with the victim.
- (v) The victim alleged that thereafter she was subjected to harassment by her parents-in-law and that on 22.11.2021, they attempted to kill her by pressing a pillow on her face while she was sleeping. The victim thereafter returned to her parental house and eventually lodged an FIR on 30.01.2024, nearly eight years after the alleged initial incident.



- (vi) During investigation, the victim's statement was recorded under Section 164 CrPC, medical examinations were conducted, the school admission register was seized to determine age, and the accused was arrested on 08.03.2024.
- (vii) The prosecution examined 16 witnesses including the victim, her mother, medical officers, investigating officer, and village witnesses. The defence examined one witness denying the allegations.
- (viii) Upon appreciation of the evidence, the Trial Court convicted the appellant for aggravated penetrative sexual assault and repeated rape, but acquitted the co-accused parents for offences under Sections 498-A and 506 IPC due to lack of specific evidence.

## **II. SUBMISSIONS ON BEHALF OF THE APPELLANT:**

- 3. The learned counsel for the Appellant respectfully and earnestly made the following submissions in support of his contentions:
  - (i) The appellant contends that the conviction is unsustainable as the trial court failed to properly appreciate the evidence and relied upon weak and unreliable testimony without adequate corroboration.
  - (ii) It is argued that the prosecution case rests primarily on the testimony of the victim and her mother, both being interested witnesses, while the majority of independent witnesses did not support the prosecution case.



- (iii) The appellant emphasizes that there was an inordinate delay of nearly eight years in lodging the FIR, which remains unexplained and raises serious doubt about the genuineness of the allegations.
- (iv) It is further submitted that the alleged conduct of the victim in maintaining a relationship with the appellant and eventually marrying him in 2021 indicates that the relationship was consensual rather than coercive.
- (v) The defence argues that medical evidence does not corroborate the allegations of rape, as the medical examination conducted in 2024 did not reveal any signs of injury or recent sexual intercourse.
- (vi) The appellant challenges the determination of the victim's age, contending that reliance on the school admission register is unreliable as the source of the date of birth was not proved and the father who allegedly supplied the information was not examined.
- (vii) It is also argued that the investigating officer admitted in cross-examination that birth certificate, anganwadi records, or the first school certificate were not collected, which casts doubt on the finding that the victim was a minor at the time of occurrence.
- (viii) The appellant further submits that material witnesses such as the victim's father and the scribe of the FIR were not examined, creating gaps in the prosecution case. The prosecution failed to investigate crucial aspects such as the alleged village meeting or



documentary proof of such resolution, thereby weakening the prosecution narrative.

- (ix) The appellant also argues that the trial proceedings were conducted in violation of the Juvenile Justice Act, as the investigation records allegedly indicated that the accused himself might have been a juvenile at the time of the alleged occurrence.
- (x) On these grounds, the appellant submits that the conviction is based on flimsy reasoning and incomplete investigation, and therefore deserves to be set aside.

### **III. SUBMISSIONS ON BEHALF OF THE RESPONDENT:**

- 4. *Per contra*, the learned counsel for the Respondent earnestly made the submission that the present CRLA deserves to be rejected in limine.
  - (i) The respondent submits that the judgment of conviction passed by the Trial Court is well-reasoned and based on proper appreciation of evidence, and therefore the appeal deserves dismissal.
  - (ii) It is contended that the testimony of the victim is clear, consistent, and reliable, and that in cases of sexual offences the statement of the victim alone can form the basis of conviction.
  - (iii) The prosecution submits that the victim has clearly deposed that the appellant forcibly committed sexual intercourse when she was alone at home, and threatened her not to disclose the incident.



- (iv) The respondent further contends that the victim's mother corroborated the disclosure made immediately after the incident, which strengthens the credibility of the prosecution case.
- (v) It is argued that a village meeting was convened after the incident, during which the appellant allegedly admitted his guilt and agreed to marry the victim once she attained majority.
- (vi) The prosecution asserts that the subsequent marriage between the parties in 2021 and the conduct of the appellant's family reflect an acknowledgment of the incident and provide circumstantial corroboration.
- (vii) The respondent further submits that the delay in lodging the FIR stands sufficiently explained, as the families initially attempted to resolve the matter through community mediation and waited until the victim attained majority for marriage.
- (viii) It is contended that the school admission register constitutes reliable documentary evidence regarding the age of the victim and establishes that she was below eighteen years at the time of the incident.
- (ix) The respondent argues that the testimony of several village witnesses regarding the meeting and subsequent marriage arrangement supports the version of the victim.
- (x) It is therefore submitted that the prosecution has successfully proved the offences under Section 6(1) of the POCSO Act and



Section 376(2)(n) IPC beyond reasonable doubt, and the conviction requires no interference.

**IV. FINDINGS OF THE AD HOC ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTSC), KANDHAMAL, PHULBANI:**

5. The Trial Court, upon perusal of the facts, observed as under:
- (i) The Court first addressed the issue of age of the victim, relying primarily on the school admission register produced by the headmistress, which recorded the victim's date of birth as 05.02.2000, thereby holding that she was a minor on the date of occurrence.
  - (ii) The Court rejected the defense argument based on the medical officer's reference to the victim's age in the Aadhaar card, holding that the school register carried greater evidentiary value in determining age.
  - (iii) In assessing the offence of rape, the Trial Court placed substantial reliance on the testimony of the victim (PW-1) and her mother (PW-2), considering their statements to be consistent and credible.
  - (iv) The Court also relied on the evidence of village witnesses who referred to a community meeting and decision to solemnize marriage, treating it as corroborative of the victim's allegation.
  - (v) The Trial Court observed that the absence of medical evidence of injury was not fatal to the prosecution case, as the medical examination was conducted several years after the alleged incident.



- (vi) With regard to the delay in lodging the FIR, the Court accepted the prosecution explanation that the families initially attempted a settlement through marriage and therefore refrained from approaching the police.
- (vii) The Court further held that the continued relationship between the parties after the incident and the eventual marriage did not negate the offence, as the victim was allegedly below eighteen years at the time of the initial sexual act, making consent legally irrelevant under the POCSO Act.
- (viii) On the allegation of cruelty and criminal intimidation by the parents-in-law, the Court found that the evidence was general and lacked specific instances, and therefore acquitted them of charges under Sections 498-A and 506 IPC.
- (ix) Ultimately, the Court concluded that the prosecution had proved beyond reasonable doubt that the appellant repeatedly committed sexual intercourse with the victim when she was a minor, thereby attracting Section 6(1) POCSO Act read with Section 376(2)(n) IPC.
- (x) Accordingly, the Trial Court convicted the appellant and imposed rigorous imprisonment for 20 years along with fine, while directing payment of ₹5,00,000 compensation to the victim through DLSA.

**V. COURT'S REASONING AND ANALYSIS:**

- 6. Heard Learned Counsel for the parties and perused the documents placed before this Court.



7. The present appeal arises from a set of facts which must be examined with care. The circumstances reflected in the record also indicate certain social realities in which the events are said to have unfolded. The Court is therefore required to scrutinize the evidence on record and consider whether the findings recorded by the learned Trial Court call for interference in appeal.
8. In an appeal by a convicted accused, the High Court must conduct a fresh appraisal of the entire record; it is duty bound, in the same way as the trial court, to test the evidence extrinsically as well as intrinsically and arrive at an independent conclusion on guilt or innocence. If on re-appraisal two views are possible, the appellate court must adopt the view favourable to the accused and extend the benefit of reasonable doubt. At the same time, it should not overturn a trial court's conviction simply by focusing on minor inconsistencies or technicalities.
9. As held by the Supreme Court in the case of *State of Rajasthan v. N.K.*<sup>1</sup>. Once the prosecution makes a convincing case for recording a finding of guilt, courts must not lean toward acquittal by giving weight to irrelevant or insignificant circumstances or treating unfounded doubts as real. The Court held as follows:

*“It is true that the golden thread which runs throughout the cob-web of criminal jurisprudence as administered in India is that nine guilty may escape but one innocent should not suffer. But at the same time no guilty should escape unpunished once the guilt has been proved to hilt. An unmerited acquittal does no good to the society. If the*

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<sup>1</sup> (2000) 7 SCC 195



*prosecution has succeeded in making out a convincing case for recording a finding as to the accused being guilty, the Court should not lean in favour of acquittal by giving weight to irrelevant or insignificant circumstances or by resorting to technicalities or by assuming doubts and giving benefit thereof where none exists. A doubt, as understood in criminal jurisprudence, has to be a reasonable doubt and not an excuse for finding in favour of acquittal. An unmerited acquittal encourages wolves in the society being on prawl for easy preys, more so when the victims of crime are helpless females. It is the spurt in the number of unmerited acquittals recorded by criminal courts which gives rise to the demand for death sentence to the rapists."*

10. In sum, the Court may re-examine evidence in full, but must do so conscientiously and not disturb a conviction unless the trial court's findings are demonstrably perverse or unsupportable on the record.
11. In the present case, the Court must therefore examine whether the evidence on record, when tested in light of the above principles, justifies the conclusion reached by the learned Trial Court. The primary issues that arise relate to the determination of the victim's age, the evidentiary value of her testimony and that of the supporting witnesses, the explanation offered for the delay in lodging the FIR, and the effect of the surrounding circumstances, including the alleged village settlement and the subsequent marriage between the parties. It is only upon a careful re-appraisal of these aspects, and the overall consistency of the prosecution case, that this Court can determine whether the finding of guilt recorded by the Trial Court is supported by the evidence on record or whether it calls for interference in appeal.



12. It is well settled that in sexual-offence trials the unshaken testimony of a reliable victim (prosecutrix) can by itself sustain conviction. In multiple judicial precedents, it has been confirmed that a cogent and consistent statement of a prosecutrix need not be discarded merely for lack of medical corroboration.
13. In this regard, the Supreme Court in the recent case of *State of Himachal v. Manga Singh*<sup>2</sup> held that the testimony of the prosecutrix alone may be sufficient to establish guilt if it inspires confidence. The Court held as follows:

*“The conviction can be sustained on the sole testimony of the prosecutrix, if it inspires confidence. The conviction can be based solely on the solitary evidence of the prosecutrix and no-corroboration be required unless there are compelling reasons which necessitate the courts to insist for corroboration of her statement. Corroboration of the testimony of the prosecutrix is not a requirement of law; but a guidance of prudence under the given facts and circumstances. Minor contradictions or small discrepancies should not be a ground for throwing the evidence of the prosecutrix.”*

14. Likewise, in the present case, the testimony of the victim assumes central importance. A careful reading of her deposition shows that she has consistently stated that the appellant visited her house in the absence of her parents and committed the alleged act, and thereafter continued to maintain relations with her over a period of time. Her account of the occurrence, the disclosure made to her mother, and the circumstances surrounding the village meeting find material support in the evidence of PW-2 as well as in the testimony of certain village

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<sup>2</sup> (2019) 16 SCC 759.



witnesses who have spoken about the intervention of the community and the arrangement that the parties would marry after the victim attained majority. The subsequent marriage between the parties, though not determinative of guilt by itself, forms part of the surrounding circumstances which the prosecution relies upon to show that the incident had in fact taken place and was acknowledged within the village.

15. Moreover, the Supreme Court in the case of *Bharwada v. State of Gujarat*<sup>3</sup> held that to require corroboration for every rape victim would be adding insult to injury and a victim's credible account must be accepted in the absence of affirmative contradictions. The Court held as follows:

*"In the Indian setting, refusal to act on the testimony of a victim of sexual assault in the absence of corroboration as a rule, is adding insult to injury. Why should the evidence of the girl or the woman who complains of rape or sexual molestation be viewed with the aid of spectacles fitted with lenses tinged with doubt, disbelief or suspicion? To do so is to justify the charge of male chauvinism in a male dominated society."*

16. If the present case is examined in the light of the above principles, the evidence of the victim cannot be approached with a presumption of distrust merely because of the circumstances highlighted by the defence. The deposition of the victim, when read in its entirety, presents a consistent account of the alleged occurrence and of the events that followed thereafter. Her statement regarding the disclosure made within the family and the subsequent village meeting

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<sup>3</sup> 1983 AIR 753



also finds some measure of support from the evidence of other witnesses who have spoken about the intervention of the community and the proposed arrangement of marriage between the parties.

17. The fact that the matter appears to have initially been addressed through such informal means may explain certain features of the prosecution case, including the delayed reporting of the incident. At the same time, the implications of such circumstances must be considered with due caution, and this aspect shall be examined more closely at a later stage of the analysis. For the present, it is sufficient to note that the testimony of the prosecutrix, when read along with the surrounding evidence on record, cannot be discarded at the threshold and must be evaluated on its intrinsic credibility and overall consistency.
18. The appellant points to a delay in filing the FIR, but the law treats such delays with caution. There are multiple judicial precedents that have repeatedly held that in sexual assault cases a delay per se is not fatal, given the reasons are plausible. Courts recognize that victims or their families may fear social stigma or community pressure, and that a delayed complaint can still be credible.
19. For example, in the case of *State of Rajasthan (Supra)*, the Court noted that though there was some delay, it had been satisfactorily explained. More importantly, the Court stressed that once an otherwise convincing case is made out, must not let doubt become an excuse for finding in favour of acquittal. The Court held as follows:



*“The trial court found the incident, as alleged, proved. In the opinion of the learned trial Judge the testimony of the prosecutrix inspired confidence. It was corroborated by the medical evidence as also by the testimony of her father. The prosecutrix was held to be 15 years of age on the date of the incident. Though there was delay in lodging the FIR but it was satisfactorily explained. Accordingly, the accused-respondent was found guilty of the offence punishable under Section 376 IPC and sentenced as above.*

...

*A doubt, as understood in criminal jurisprudence, has to be a reasonable doubt and not an excuse for finding in favour of acquittal. An unmerited acquittal encourages wolves in the society being on prawl for easy preys, more so when the victims of crime are helpless females. It is the spurt in the number of unmerited acquittals recorded by criminal courts which gives rise to the demand for death sentence to the rapists. The courts have to display a greater sense of responsibility and to be more sensitive while dealing with charges of sexual assault on women.”*

20. In the present case, the delay in lodging the FIR, though significant, cannot by itself be treated as fatal to the prosecution. The record indicates that the matter was initially dealt with within the family and through a village meeting, where the appellant is said to have agreed to marry the victim after she attained majority. These circumstances provide some context to the delayed reporting. The delay must therefore be assessed alongside the overall evidence on record, rather than viewed as a ground to discard the prosecution case outright.
21. The appellant has also pointed to certain investigative omissions, notably, the non-examination of some witnesses and alleged non-compliance with procedures. The law addresses such lapses carefully. In the case of *Takhaji Hiraji v. Thakore Kubersing*



*Chamansing*<sup>4</sup>, the Supreme Court held that the omitting a material witness depends on context. Where an “essential part” of the prosecution case could have been elucidated by a witness who was available but not called, that lapse may warrant an adverse inference against the State. The Court held as follows:

*“It is true that if a material witness, which would unfold the genesis of the incident or an essential part of the prosecution case, not convincingly brought to fore otherwise, or where there is a gap or infirmity in the prosecution case which could have been supplied or made good by examining a witness which though available is not examined, the prosecution case can be termed as suffering from a deficiency and withholding of such a material witness would oblige the Court to draw an adverse inference against the prosecution by holding that if the witness would have been examined it would not have supported the prosecution case. On the other hand if already overwhelming evidence is available and examination of other witnesses would only be a repetition or duplication of the evidence already adduced, non-examination of such other witnesses may not be material. In such a case the Court ought to scrutinise the worth of the evidence adduced. The court of facts must ask itself whether in the facts and circumstances of the case, it was necessary to examine such other witness, and if so, whether such witness was available to be examined and yet was being withheld from the court. If the answer be positive then only a question of drawing an adverse inference may arise. If the witnesses already examined are reliable and the testimony coming from their mouth is unimpeachable the Court can safely act upon it uninfluenced by the factum of non-examination of other witnesses.”*

22. As for missing documents or procedural irregularities, the authorities similarly hold that a defective investigation does not automatically

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<sup>4</sup> AIR 2001 SUPREME COURT 232



invalidate a prosecution. An investigating officer's errors or omissions (even serious ones) render the case incomplete but do not void the trial. The logic is that justice requires a decision on the proved facts, notwithstanding police defects. Thus, even if the police failed to secure certain records or neglected to comply strictly with a CrPC provision, the merits of the case are determined by the remaining legal evidence.

23. Only if it is shown that prejudice to the accused resulted from the lapse will it tilt the balance. In the present case, no material prejudice is shown from any investigative gap; the available evidence (medical report, scene witnesses, etc.) sufficed to establish guilt. The lapses noted by the defence were either immaterial or were adequately explained at trial, and therefore do not compel acquittal.
24. In the present case, the omissions pointed out by the appellant do not appear to go to the root of the prosecution case. The non-examination of certain witnesses or the absence of some records may, at best, reflect imperfections in the investigation; however, they do not by themselves render the evidence already on record unreliable. The testimony of the victim, supported by the disclosure made to her mother and the surrounding circumstances spoken to by other witnesses, constitutes the core of the prosecution case. The defence has not been able to demonstrate how the alleged lapses have materially undermined this evidence or caused any real prejudice to the accused. The Court must therefore assess the case on the strength of the evidence that has been brought on record rather than allow the



entire prosecution to fail on account of investigative shortcomings which do not substantially affect the proof of the occurrence.

25. The next issue pertains to the determination of the age of the parties at the relevant time. This assumes significance because the prosecution case is not confined to a single date but alleges a course of conduct commencing in July, 2016 and continuing thereafter; the legal consequences would, therefore, depend upon whether the victim was below eighteen years during the period when the acts attracting penal liability are alleged. The learned Trial Court has relied upon the school admission register proved through the competent witness to hold that the victim's date of birth is 05.02.2000, and thus that she was a minor on 18.07.2016. The defence criticism that the source of the date of birth was not separately proved, or that other documents such as birth certificate/anganwadi records were not collected, is a factor for consideration; however, it does not by itself displace the evidentiary worth of a contemporaneous school record duly proved, particularly when the accused has not produced any better or more reliable material to the contrary.
26. Equally, the plea that the appellant may have been a juvenile at the time of the alleged occurrence is an issue that must be tested on the basis of legally admissible material and the statutory mechanism; a mere suggestion, absent proof, cannot unsettle a finding otherwise supported by record. In this backdrop, the determination of the victim's minority at the inception of the occurrence remains a pivotal fact against which the remaining evidence has to be assessed.



27. The plea that the appellant himself “might have been a juvenile” at the time of the first incident cannot be accepted on conjecture. The law provides a defined statutory mechanism for raising and determining juvenility; but a mere suggestion, absent legally admissible foundational material, cannot unsettle a finding otherwise supported by the record. In any event, such a plea, where not duly proved, cannot be permitted to operate as a blanket answer to a conviction resting on proved facts.
28. This brings the Court to the broader doctrinal question implicated by the appellant’s defence: whether the alleged village “settlement” and the subsequent marriage solemnised after the victim had attained majority can dilute or retrospectively legitimise conduct that is alleged to have occurred when the victim was a minor. The answer, in law, must be in the negative.
29. Criminal liability attaches to the act at the time of its commission. Where the foundational fact of minority is established, the statutory protection is not negotiable; it cannot be postponed by social arrangement, nor extinguished by later events.
30. The POCSO Act is a child-protection statute rooted in constitutional morality, not community convenience. The Act itself records that it is enacted in furtherance of Article 15(3) and India’s accession to the Convention on the Rights of the Child, and it insists that the best interests and well-being of the child be regarded as paramount. Further, the statute declares that its provisions operate in addition to other laws and, in case of inconsistency, shall have overriding effect to



the extent of such inconsistency. This legislative architecture leaves no room for importing informal “settlements” as a defense, or for allowing private compromise to erode statutory safeguards.

31. It is necessary to clarify, lest the facts be misunderstood: the marriage in the present case is not alleged to be a child marriage; it was solemnised after the victim attained majority. Yet, that does not advance the appellant’s case. A later marriage may be a biographical fact, but it is not a legal solvent. If the offence is proved to have commenced when the victim was below eighteen, the subsequent marriage cannot retrospectively cleanse the initial illegality or bar the operation of criminal law. To hold otherwise would be to create, by judicial tolerance, an escape route that the statute has consciously not provided
32. The judicial precedents have repeatedly highlighted and cautioned courts against the very subterfuge by which sexual offences are sought to be softened through compromise or by holding out marriage as a “solution”. In *State of M.P. v. Madanlal*<sup>5</sup>, the Supreme Court reaffirmed that in rape or attempt to rape, the idea of compromise is fundamentally alien. It is an offence against society, and courts must remain “absolutely away” from adopting a soft approach merely because a compromise is projected or marriage is suggested as solace. The Court held as follows:

*“We would like to clearly state that in a case of rape or attempt of rape, the conception of compromise under no*

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<sup>5</sup> [2015] 7 S.C.R. 998



*circumstances can really be thought of. These are crimes against the body of a woman which is her own temple. These are offences which suffocate the breath of life and sully the reputation. And reputation, needless to emphasise, is the richest jewel one can conceive of in life. No one would allow it to be extinguished. When a human frame is defiled, the "purest treasure", is lost. Dignity of a woman is a part of her non-perishable and immortal self and no one should ever think of painting it in clay. There cannot be a compromise or settlement as it would be against her honour which matters the most. It is sacrosanct. Sometimes solace is given that the perpetrator of the crime has acceded to enter into wedlock with her which is nothing but putting pressure in an adroit manner; and we say with emphasis that the Courts are to remain absolutely away from this subterfuge to adopt a soft approach to the case, for any kind of liberal approach has to be put in the compartment of spectacular error. Or to put it differently, it would be in the realm of a sanctuary of error. We are compelled to say so as such an attitude reflects lack of sensibility towards the dignity, the elan vital, of a woman. Any kind of liberal approach or thought of mediation in this regard is thoroughly and completely sans legal permissibility."*

33. The doctrinal thread is clear: the dignity of the victim and the public interest in deterrence cannot be traded for negotiated quietus.
34. One disturbing aspect of the present case requires a clear word from this Court. The materials indicate that the allegation did not first reach the authorities charged with enforcing the law. Instead, it was taken to a gathering in the village where elders attempted to "settle" the matter by securing a promise of marriage. That course of action is deeply troubling. The moment an offence against a minor is alleged,



the matter belongs before the law, not before a circle of village arbiters.

35. What happened here reflects a familiar but dangerous pattern. A serious allegation is quietly drawn away from the legal system and placed before a village forum, where discussions revolve around family honour, reputation, and adjustment. In the process, the child's grievance is treated as an inconvenience to be managed rather than a wrong to be answered in law. This Court is not unaware of the social realities in which many such incidents arise, particularly in rural communities where informal structures of authority often influence how disputes are handled. Yet recognition of those realities cannot extend to accepting them as substitutes for the law. To allow a criminal offence against a child to be absorbed into such informal arrangements would amount to a deeply disturbing inversion of the legal order.
36. This Court cannot treat such conduct lightly. A sexual offence against a minor is a grave crime. When a group of local notables sits in judgment and decides that the issue can be resolved through assurances of marriage, they behave as though the criminal law stops at the boundary of the village. The law does not recognise any such boundary.
37. It must be remembered that no panchayat is a court of law. A Sarpanch does not exercise the authority of a magistrate, nor do village elders acquire jurisdiction over criminal offences merely by convening a meeting. The adjudication of crime belongs to the



institutions of the legal system alone. When village bodies assume to themselves the task of deciding or “settling” such allegations, they step beyond their lawful role and act in clear disregard of the authority of law.

38. The law is also explicit about the duty of those who come to know of such offences. The POCSO Act requires that information regarding an offence against a child be reported to the police or the Special Juvenile Police Unit. The statute does not leave room for quiet compromises or informal handling. Those who choose to gather villagers and hush the matter up instead of reporting it place themselves in clear disregard of that duty.
39. The authority that accompanies positions such as Sarpanch or panchayat member is not a licence to interfere with the criminal process. It exists to serve the community within the bounds of law. When that influence is used to suppress allegations of sexual exploitation of a child, it becomes something far removed from leadership.
40. Courts cannot remain silent in the face of such conduct. If those who claim to speak for a village use that standing to stifle a child’s complaint and keep the police away, they are not preserving harmony but are protecting the wrongdoer and leaving the victim unheard. They are simply an attempt to keep a serious crime out of the reach of the law.
41. Those who occupy positions of leadership in a community must remember that their authority carries responsibility. A Sarpanch or



village elder has no mandate to decide whether a crime against a child should reach the police. Their duty is to ensure that the law takes its course, not to obstruct it by convening meetings or brokering compromises within the village

## VI. CONCLUSION:

42. For the reasons recorded hereinabove, and those already discussed on the merits of the evidence, this Court finds no perversity or illegality warranting interference with the judgment of conviction. The appeal is accordingly **dismissed** and the conviction and sentence imposed by the learned Trial Court are affirmed.
43. A copy of this judgment shall be forwarded to the District Magistrate and the Superintendent of Police concerned. They shall ensure that appropriate sensitisation measures are undertaken at the district and village levels so that community functionaries, including Sarpanches, ward members and other local representatives, clearly understand that allegations of sexual offences against minors are not matters capable of private settlement and must be reported to the lawful authorities without delay.
44. The District Administration and the Police authorities shall also take steps to ensure that persons occupying positions of authority in village institutions are made aware of their statutory obligations under the POCSO Act, particularly the duty to report offences involving children. It shall be made clear that any attempt by village bodies or local leaders to suppress such allegations through informal meetings, compromise, or promises of marriage is wholly



impermissible. If persons holding positions of influence in the community are found to have deliberately prevented or discouraged reporting of such offences, appropriate action in accordance with law shall be considered.

45. Interim order, if any, passed earlier stands vacated.

*(Dr. Sanjeeb K Panigrahi)*  
*Judge*

*Orissa High Court, Cuttack,*  
*Dated the 13<sup>th</sup> February, 2026/*