



REPORTABLE

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

**CRIMINAL APPEAL NO(S). OF 2024
[Arising out of Special Leave Petition (Crl.) No(s). 5104 of 2022]**

RAJASEKAR **...APPELLANT(S)**

VERSUS

**THE STATE REP. BY THE
INSPECTOR OF POLICE** **...RESPONDENT(S)**

ORDER

1. Leave granted.
2. The Appellant before us is aggrieved by the judgement dated 26.10.2021 passed by the High Court of Judicature at Madras in Criminal Appeal No. 176 of 2017 whereby the High Court dismissed the appeal preferred by the Appellant and confirmed the judgement dated 03.02.2017, passed by the Sessions Court--convicting the Appellant for offences u/S. 3(a) r/w Sec. 4 of the Protection of Children from Sexual Offences ('POCSO') Act, 2012.
3. At the outset, it must be noted that *vide* order dated 12.07.2022, this Court issued notice only on the quantum of

sentence awarded to the Appellant. Therefore, only that limited question is required to be considered by this Court.

4. *Vide* the judgement of the Sessions Court, the Appellant was sentenced to undergo ten years RI along with a fine of INR 5,000 with a default clause to undergo SI for three months. The State Government was also directed to pay INR 1,00,000 to the victim as compensation under Rule 7(2) of the POCSO Rules, 2012. The sentence imposed by the Sessions Court was confirmed by the High Court without any modification.

5. Learned Counsel for the Appellant submits that at the time of conviction, the minimum sentence prescribed u/Sec. 4 of the POCSO Act was seven years and as on date, the Appellant has already served more than seven years of his sentence. It is also submitted that the Appellant is providing for the day-to-day expenses of the victim and her child and therefore, further imprisonment will impact not only his family but also the victim's. On these grounds, Learned Counsel presses for leniency.

6. Having heard the Learned Counsel for the parties and considering the totality of the circumstances of the case, we are of the view that the ends of justice would be met if the period of imprisonment awarded against the Appellant is reduced to the period already undergone by him. Accordingly, the appeal is allowed in part. The conviction of the Appellant u/s. u/S. 3(a) r/w

Sec. 4 of the POCSO Act, 2012 is hereby confirmed. However, the sentence imposed by the Sessions Court and confirmed by the High Court is hereby modified and reduced to the period already undergone by the Appellant.

7. The Appellant be set at liberty forthwith in case he is not required in any other case.

8. With the aforesaid, the appeal stands disposed of. Pending application(s), if any, shall also stand disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SATISH CHANDRA SHARMA)

NEW DELHI
FEBRUARY 05, 2024