[2025] 7 S.C.R. 1538 : 2025 INSC 892

Satauram Mandavi
v.
The State of Chhattisgarh & Anr.

(Criminal Appeal No. 3179 of 2025)

25 July 2025

[Vikram Nath* and Sandeep Mehta JJ.]

Issue for Consideration

Matter pertains to the retrospective application of the amended provision-s.6 POCSO Act, to the incident which took place prior to the amendment.

Headnotes†

Protection of Children from Sexual Offences Act, 2012 – s.6 (as amended) – Punishment for aggravated penetrative sexual assault – Retrospective application of the amended provision-s.6, to the incident took place prior to the amendment – Propriety – Commission of offence by the appellant on 20.05.2019 – Amended provision of s.6 POCSO Act, came into force on 16.08.2019 whereby the minimum sentence enhanced to 20 years and redefined "imprisonment for life" to mean imprisonment for the remainder of the natural life – Courts below convicted the appellant u/s.376AB IPC and s.6 POCSO Act and sentenced him to imprisonment for remainder of his natural life, along with a fine – Correctness:

Held: Constitutional bar against retrospective imposition of a harsher penalty u/Art.20(1) is clear and absolute – Since the offence was committed on 20.05.2019, the amended provision of s.6 POCSO Act, which came into force on 16.08.2019, could not have been applied to the instant case – Trial court, in applying the enhanced sentence introduced by the 2019 Amendment to s.6 POCSO Act, effectively subjected the appellant to a punishment greater than that which was permissible under the law in force at the time of commission of the offence which is clearly violative of the bar contained in Art.20(1) – Sentence of "imprisonment for life,

* Author

meaning remainder of natural life," as per the amended provision, did not exist on the date of the incident – Under the unamended s.6, the maximum punishment permissible was imprisonment for life in its conventional sense and not imprisonment till the remainder of natural life – Conviction of the appellant u/s.6 POCSO Act upheld, however, sentence is modified to that of rigorous imprisonment for life, as given under the unamended statute, and set aside the sentence of imprisonment for the remainder of the natural life – Protection of Children from Sexual Offences (Amendment) Act, 2019 – Constitution of India – Art.20(1) – Penal Code, 1860 – s.376AB. [Paras 9-13]

List of Acts

Protection of Children from Sexual Offences Act, 2012; Protection of Children from Sexual Offences (Amendment) Act, 2019; Constitution of India; Penal Code, 1860.

List of Keywords

Retrospective application of the amended provision-s.6 POCSO Act; Life imprisonment for remainder of his natural life; Constitutional bar; Punishment greater than which was permissible under the law in force at the time of commission of the offence; Imprisonment for life; Rigorous imprisonment for life.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 3179 of 2025

From the Judgment and Order dated 05.09.2023 of the High Court of Chhatisgarh at Bilaspur in CRLA No. 34 of 2022

Appearances for Parties

Advs. for the Appellant:
D.N. Goburdhan, Sr. Adv., Ms. Shalu Sharma, Vishal Arun Mishra, Ms. Rupali Panwar, Surabh Sharma, Ayush Panwar.

Advs. for the Respondents:
Atul Jha, A.A.G., Abhishek Pandey, Prashant Kumar Umrao.

Judgment / Order of the Supreme Court

Judgment

Vikram Nath, J.

1. Leave granted.

2. The present appeal arises from the judgment dated 05.09.2023 passed by the High Court of Chhattisgarh, whereby the appellant's appeal challenging the judgment of conviction dated 30.11.2021 rendered by the Trial Court was dismissed. By the said judgment, the appellant was convicted under Section 376AB of the Indian Penal Code, 1860[1] and Section 6 of the Protection of Children from Sexual Offences Act, 2012[2] and sentenced to imprisonment for life, meaning imprisonment for the remainder of his natural life, along with a fine of ₹10,000/-.

3. The facts, in brief, are as follows:

   3.1. On 26.06.2019, the father of the prosecutrix (PW-3) lodged FIR No. 37/2019 at Police Station Vishrampur, Kondagaon, Chhattisgarh. He stated that on 20.05.2019, he, his wife, and mother had gone to attend a marriage ceremony in the village, leaving their two children at home. The prosecutrix, then aged about 5 years, was playing outside the house. When his wife was later unable to locate their daughter, she went to the appellant's house and questioned him about her whereabouts. Upon being confronted, the appellant fled.

   3.2. The FIR was registered against the appellant alleging that he had lured the prosecutrix to his house and committed rape upon her.

   3.3. The Trial Court framed charges against the appellant under Section 376AB IPC and Section 6 of the POCSO Act.

   3.4. Upon consideration of the oral and documentary evidence adduced, the Trial Court recorded a categorical finding that the appellant had lured the minor prosecutrix into his house and forcibly committed rape on her. The appellant was accordingly convicted and sentenced under Section 6 of the POCSO Act

1 IPC.

2 POCSO.

to life imprisonment for the remainder of his natural life, along with a fine.

3.5. The High Court, in the impugned judgment, affirmed the conviction and sentence. It recorded that no leniency could be shown in light of the fact that the victim was a five year old child and the crime committed was of a grave and heinous nature.

3.6. Aggrieved by the said conviction and sentence, the appellant has approached this Court.

4. We have heard learned counsel for the parties.

5. By order dated 30.09.2024, notice was issued limited to the question of sentence.

6. The submission advanced on behalf of the appellant is that the incident occurred on 20.05.2019. While the conviction is under Section 6 of the POCSO Act, the Protection Of Children From Sexual Offences (Amendment) Act, 2019, which came into force on 16.08.2019, enhanced the minimum sentence to 20 years and redefined "imprisonment for life" to mean imprisonment for the remainder of the natural life. It is the appellant's contention that the sentencing court erred in applying the amended provisions retrospectively, as the incident in question took place prior to the amendment.

7. The State, opposing any modification in sentence, contends that the appellant does not deserve any leniency considering the nature and gravity of the offence committed.

8. Section 6 of the POCSO Act, prior to the 2019 amendment, read 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."

9. This Court, having found no merit in the challenge to conviction, had confined its notice to the question of sentencing. However, we find merit in the appellant's submission that since the offence was committed on 20.05.2019, the amended provision of Section 6 of the POCSO Act, which came into force on 16.08.2019, could not have been applied to his case.

10. In this regard, Article 20(1) of the Constitution of India is relevant and reads as under:

> "**20. Protection in respect of conviction for offences** –
>
> (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."

11. The Constitutional bar against retrospective imposition of a harsher penalty under Article 20(1) is clear and absolute. The Trial Court, in applying the enhanced sentence introduced by the 2019 Amendment to Section 6 of the POCSO Act, has effectively subjected the appellant to a punishment greater than that which was permissible under the law in force at the time of commission of the offence which is clearly violative of the bar contained in Article 20(1) of the Constitution of India.

12. The sentence of "imprisonment for life, meaning remainder of natural life," as per the amended provision, did not exist in the statutory framework on 20.05.2019, the date of the incident. Under the unamended Section 6, the maximum punishment permissible was imprisonment for life in its conventional sense and not imprisonment till the remainder of natural life.

13. Accordingly, while we uphold the conviction of the appellant under Section 6 of the POCSO Act, we modify the sentence to that of rigorous imprisonment for life, as understood under the unamended statute, and set aside the sentence of imprisonment for the remainder of the natural life. The fine of ₹10,000/- is maintained.

14. Appeal is partly allowed as per the findings above.

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

Result of the case: Appeal partly allowed.

[†]*Headnotes prepared by:* Nidhi Jain