

**IN THE COURT OF ADDL DISTRICT & SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT : MIZORAM**



**Present : Sylvie Zomuanpuii Ralte,
Addl. District & Sessions Judge**

Date of Judgment – 12.06.2026

Sessions Case No. 43/2018

Crl. Trl. No.1417/2018

A/o Marpara PS Case No.2/2017 Dated 18.07.2017

u/s 302/326A/376D/376(2)(m)/34 IPC

COMPLAINANT	STATE OF MIZORAM
Represented by	Smt. Lalremruati Addl. Public Prosecutor
ACCUSED	1. Nilanjan Das S/o Sushil Kumar R/o Amra Barie Village West Bengal 2. Dinesh Kumar S/o Raghunath Singh R/o Chhajupura Village P/S Noorpur, UP
Represented by	Sh. C. Zoramchhana & Ors. Ld. Advocates
Date of Offence	16.07.2017
Date of FIR	18.07.2017
Date of Charge Sheet	17.07.2018
Date of Framing of Charges	10.12.2018
Date of commencement of evidence	14.02.2019
Date on which judgment is reserved	12.06.2026
Date of Judgment	12.06.2026
Date of the Sentencing Order	16.06.2026

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release On Bail	Offences charged with	Whether Acquitted or Convicted	Sentenced Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C
1.	Nilanjan Das S/o Sushil Kumar R/o Amra Barie Village West Bengal	06.09.2017	15.12.17	u/s 376D/376(2) (m) /326A/302 IPC	Acquitted u/s 302 IPC Convicted u/s 376D/376 (2)(m)/326A	<u>u/s 376D IPC</u> RI : 20 years Fine : Rs. 20,000/- IDSI : 2 months	144 days
2.	Dinesh Kumar S/o Raghunath Singh R/o Chhajupura Village P/S Noorpur, UP	06.09.2017	15.12.17	u/s 376D/376(2) (m) /326A/302 IPC	Acquitted u/s 302 IPC Convicted u/s 376D/376 (2)(m)/326A	<u>u/s 376(2)(m) IPC</u> RI : 10 years Fine : Rs. 20,000/- IDSI : 2 months <u>u/s 326A IPC</u> RI : 12 years Fine : Rs. 20,000/- IDSI : 2 months	144 days

JUDGMENT AND ORDER

INTRODUCTION

1. The accused persons, namely Nilanjan Das and Dinesh Kumar stands arraigned before this Hon'ble Court for offences punishable under Sections 302, 376D, 376(2)(m), and 326A of the Indian Penal Code.

THE FACT

2. The prosecution case, in brief but in necessary detail, is that on 18.07.2017, a written First Information Report was lodged by Mithun Chakma, S/o Late Probha Ranjan, R/o Silsuri West, before Marpara Police Station. In the said FIR, it was alleged that on 16.07.2017, between 11:00 AM and 5:00 PM, his sister victim X had gone towards the Gaskata river along with her friend Rangobi for the purpose of collecting crabs and wild vegetables. It was alleged that during this period, she was apprehended by two unknown persons, subjected to gang rape, and thereafter attacked with a corrosive substance causing grievous injuries to her face.
 - 2.1 On receipt of the said FIR, Marpara P.S. Case No. 2/2017 dated 18.07.2017 was registered under Sections 326A, 376D, 376(2)(m), and 34 IPC, and investigation was entrusted to the SDPO, West Phaileng. Subsequently, upon transfer of the initial Investigating Officer, investigation was taken over by another SDPO, West Phaileng, who continued and completed the investigation.
 - 2.2 It is pertinent to note that prior to the formal registration of the FIR, on 17.07.2017, telephonic information regarding the occurrence had already been received at Marpara Police Station. Acting upon such information, the SDPO and police personnel immediately proceeded to Silsuri village, the place of occurrence. Upon arrival, they contacted the Village Defence Party (VDP) President, Purno Nath, whose statement u/s 161 Cr.P.C. was recorded. He disclosed that on the evening of 16.07.2017,

the victim herself narrated that she had been raped by two men in the jungle area and that her companion Rangobi had gone missing.

- 2.3 On the same night, the victim X was examined at her residence. She was found in a severely injured condition with her face swollen and eyes affected due to chemical burns. Her statement u/s 161 Cr.P.C. was recorded with the assistance of an interpreter. In her statement, she categorically alleged that while she was in the jungle area near the river, she was accosted by two men in BSF uniform, who had earlier been seen carrying a tiffin box. She stated that both of them raped her one after another and thereafter applied a burning substance on her face, causing severe pain and loss of vision.
- 2.4 During investigation, the clothes worn by the victim X at the time of the incident were seized in the presence of witnesses and sent to the Forensic Science Laboratory (FSL) for examination. The victim was medically examined at PHC Phuldungsei on 18.07.2017. The medical examination revealed multiple bruises on her body, including hips, chest and legs as well as extensive chemical burns on her face. The doctor opined that the injuries suggested an attempt to disfigure or blind the victim and that the findings were consistent with recent forceful sexual intercourse. Due to the severity of her injuries she was subsequently referred and admitted to Civil Hospital, Aizawl for further treatment.
- 2.5 During the course of investigation, efforts were made to identify the perpetrators. The investigating officer visited the 181 Battalion BSF Camp and obtained duty details of personnel posted on the relevant date. From the duty roster two BSF personnel, namely Nilanjan Das and Dinesh Kumar, were identified as having been assigned duty of carrying food on the date and time proximate to the occurrence. Their statements u/s 161 Cr.P.C. were recorded. Initially, attempts to arrest them and collect

their biological samples were resisted by BSF authorities, necessitating further administrative intervention.

- 2.6 Simultaneously, extensive search operations were conducted to trace the missing person Rangobi. On 27.07.2017, her dead body was recovered from a jungle area near the place of occurrence. Inquest proceedings were conducted, and the body was sent for post-mortem examination. Though the body was in a decomposed state the surrounding circumstances and forensic indications suggested that her death was not accidental but homicidal in nature and that it was connected with the same incident.
- 2.7 In view of the discovery of the dead body and the emerging evidence Section 302 IPC was added to the case with the permission of the Ld. Chief Judicial Magistrate. Various articles recovered from the place of occurrence and from the vicinity of the dead body, including clothing and other items were seized and sent for forensic examination.
- 2.8 The victim's statement u/s 164 Cr.P.C was recorded before a Judicial Magistrate at Aizawl wherein she reiterated and corroborated her earlier statement given to the police. A Test Identification Parade (TIP) was conducted on 05.09.2017 by a Judicial Magistrate, Aizawl during which the victim successfully identified both accused persons namely Nilanjan Das and Dinesh Kumar, as the perpetrators of the offence.
- 2.9 The accused persons were thereafter arrested and medically examined. Their biological samples including blood and smegma were collected and sent for forensic examination. The FSL reports though not detecting seminal stains on the victim's clothes or swabs (which was attributed to delay and washing) indicated the presence of corrosive substances and supported the prosecution case regarding the use of chemical agents.

- 2.10 Further forensic analysis of tissue samples from the deceased Rangobi revealed that the damage was caused by a corrosive substance (base), thereby strengthening the prosecution case that the same perpetrators were involved in both the sexual assault on the victim and the homicidal death of Rangobi.
- 2.11 During investigation, numerous witnesses were examined including BSF personnel, local villagers and other relevant persons. Documentary evidence such as medical reports, FSL reports, seizure memos, duty rosters, and judicial statements were collected and placed on record.
- 2.12 Upon completion of investigation and upon consideration of the oral, documentary, medical and forensic evidence, the Investigating Agency found that a prima facie case was made out against the accused persons Nilanjan Das and Dinesh Kumar for offences punishable under Sections 302, 326A, 376D, and 376(2)(m) IPC. Accordingly, a charge-sheet was submitted before the Ld. Court for trial.

OPENING OF THE CASE

3. The Ld. Additional Public Prosecutor, while opening the case, submitted that the prosecution would establish by cogent and reliable evidence that the accused persons, namely Nilanjan Das and Dinesh Kumar committed heinous offences punishable under Sections 302, 326A, 376D, and 376(2)(m) IPC.
 - 3.1 It was submitted that on 16.07.2017 the victim X along with her friend Rangobi, had gone towards the jungle area near Gaskata river for collecting crabs and wild vegetables. During this time, the accused persons, who were then posted as personnel of the Border Security Force (BSF) and were in uniform intercepted the victim. Taking advantage of the secluded location both the accused persons, in furtherance of their common intention forcibly committed sexual intercourse with the victim one after another, thereby committing gang rape.

- 3.2 The Ld. APP further submitted that after committing the sexual assault, the accused persons deliberately poured a corrosive substance on the face of the victim with the intention to disfigure and permanently damage her causing grievous injuries and severe burns. The victim was left in a helpless condition unable to see properly due to the chemical burns inflicted upon her face.
- 3.3 It was further contended that the victim's companion Rangobi who had accompanied her to the jungle went missing thereafter. Despite search efforts, her dead body was later recovered from a nearby jungle area. The prosecution would show that the death of Rangobi was not accidental but homicidal in nature and was caused by the same accused persons in order to eliminate evidence and witnesses to the crime.
- 3.4 The Ld. APP submitted that the prosecution would rely upon the prompt FIR, the consistent statements of the victim under Sections 161 and 164 Cr.P.C. and her identification of the accused persons in the Test Identification Parade to firmly establish the identity of the perpetrators.
- 3.5 It was further submitted that the medical evidence would corroborate the prosecution case by establishing that the victim had sustained injuries consistent with forcible sexual assault and chemical burns caused by a corrosive substance. The forensic evidence including FSL reports would further support the prosecution case regarding the use of corrosive substances and the circumstances surrounding the death of Rangobi.
- 3.6 The Ld. APP also submitted that the prosecution would examine material witnesses including the informant, medical officers, investigating officers and other witnesses whose testimonies would form a complete and unbroken chain of circumstances pointing conclusively towards the guilt of the accused persons.

- 3.7 It was thus contended that the prosecution would be able to prove, beyond reasonable doubt that the accused persons committed gang rape upon the victim, committed an aggravated form of rape and in the course of such commission causes grievous bodily harm, maims and disfigures the victim x endangering her life, caused grievous injuries to her by use of a corrosive substance and were also responsible for the murder of Rangobi.

CONSIDERATION OF CHARGE

4. Upon perusal of the case record and after hearing the submissions of the Ld. Additional Public Prosecutor as well as the accused persons this Court is of the considered opinion that there are sufficient grounds for presuming that the accused persons namely Nilanjan Das and Dinesh Kumar have committed offences punishable under Sections 302, 326A, 376D, and 376(2)(m) IPC.
- 4.1 Accordingly, the substance of accusation along with the consequences and legal implications of pleading guilty was explained to the accused persons in a language known to them.
- 4.2 Upon such explanation, a formal charge under Sections 302, 326A, 376D, and 376(2)(m) IPC was framed against the accused persons. The contents of the charge were read over and explained to them to which they pleaded "not guilty" and claimed to be tried.

EVIDENCE FOR PROSECUTION

5. In order to substantiate its case, the prosecution cited as many as 19 (nineteen) witnesses in the charge-sheet. Out of the said witnesses, 18 (eighteen) witnesses were duly examined during the course of trial and their testimonies were recorded in accordance with law.

- 5.1 The prosecution also exhibited various documents including the FIR, medical examination reports, post-mortem report, FSL reports, seizure memos, and other relevant documents in support of its case.
- 5.2 **P.W. No. 1 Mithun Chakma**, deposed that on 16.07.2017 at about 4:00–5:00 PM, he was informed by two boys that his sister victim X was lying unconscious near Rangasur’s betel nut garden. He, along with relatives rushed to the spot and found her unconscious with swelling on her face, arms, and legs and brought her home.
- 5.3 After regaining consciousness, the victim told him that earlier that day around 11:00 AM she had gone to Gaskata river with her friend Rangobi to collect crabs. While alone, she was apprehended by two unknown men taken to Rangasur’s betel nut garden, gang raped, and thereafter acid was thrown on her face and body.
- 5.4 On 18.07.2017, **PW-1** lodged the FIR at Marpara Police Station based on the victim’s statement. He proved the FIR (**Exbt. P-1**) and his signature (**Exbt. P-1(a)**). He further stated that due to the acid attack, the victim suffered grievous injuries, permanent disfigurement, and loss of eyesight in one eye.
- 5.5 In his cross-examination he admitted that he was not an eyewitness and that the FIR was based on what the victim told him after regaining consciousness. He also stated that he did not know the victim’s whereabouts at the time of the incident but denied that he was deposing falsely.
- 5.6 **P.W. No. 2 (victim X)** deposed that on 16.06.2017 her friend Rangobi came to her house and invited her to go to the jungle to collect crabs and pineapples. At about 11:00 AM both of them left and on the way visited one Samkilley Chakma, whom they also invited, but she declined. Thereafter, they proceeded towards the jungle carrying a dao.

- 5.7 While passing near the BSF Camp, they encountered two BSF personnel in uniform carrying a large steel tiffin carrier. Rangobi conversed with them for some time. The witness identified those two BSF personnel present in Court as the accused persons.
- 5.8 They then proceeded to Gaskata river, where they collected bamboo shoots and crabs. Subsequently, Rangobi went aside to answer the call of nature and asked the witness to proceed ahead. After walking a short distance alone, the same two BSF personnel suddenly appeared. One of them having a moustache grabbed her and both forcibly took her to Rangasur's betel nut garden. There, they forcibly removed her clothes and committed gang rape upon her one after another. Despite her resistance and cries for help, calling out to Rangobi, no help came.
- 5.9 After committing the rape, one of the accused took out a small transparent bottle and poured a liquid substance on her face which caused intense burning. She realized it was acid. Due to the burns, she could not open her eyes and her vision became blurred. Thereafter, the accused persons left her near a roadside/supply godown and fled.
- 5.10 While she was lying in an injured condition, two boys noticed her and informed her family members. She was taken home by her relatives and later medically examined at Phuldungsei Hospital, from where she was referred to Aizawl Civil Hospital for further treatment. She stated that due to the acid attack, she lost vision in her left eye and suffered permanent disfigurement of her face.
- 5.11 She further deposed that the police seized her wearing apparel (half pant and orange bra) and that she participated in a Test Identification Parade (TIP) in Aizawl Court, where she correctly identified the accused persons. She also identified the tiffin carrier produced in Court as the same one carried by the accused when she first saw them near the BSF Camp.

- 5.12 She also stated that after the incident, her friend Rangobi went missing for several days and was later found dead in the jungle.
- 5.13 During cross-examination, the witness admitted that she had not known the accused prior to the date of the incident. She stated that she is unmarried but has one daughter and denied having any prior sexual relationship except with the father of her child.
- 5.14 She confirmed that when they met the BSF personnel near the camp, the accused persons were in uniform and carrying a tiffin with bamboo support, and that Rangobi spoke with them for about an hour. However, at the time of the incident, the accused were not in uniform and were not carrying the tiffin.
- 5.15 She admitted that the place of occurrence was about 1.5 km from the BSF camp and was at a short distance from the main road. She stated that the place where she parted from Rangobi was within calling distance. She also admitted that she did not know what happened to Rangobi after she went aside.
- 5.16 She described the manner of assault, stating that one accused held her upper body while the other held her legs and identified the moustached accused as the one who poured acid. She affirmed that she saw the faces of the accused clearly during the incident.
- 5.17 She admitted certain procedural facts such as her statement being recorded by police at her house, medical examination being conducted, and participation in TIP in the presence of a Magistrate and her translator (who was her brother). She also admitted that she could not recall the exact date of recording of her statement.
- 5.18 She further admitted that villagers generally have cordial relations with BSF personnel and that she was not closely acquainted with Rangobi nor had she previously gone with her for crab collection.

- 5.19 Despite extensive cross-examination, she denied the suggestion that she was falsely deposing before the Court and maintained her allegations against the accused.
- 5.20 **PW-3 Purno Nath**, deposed that on the day of the incident, the victim X approached him in a distressed condition and informed him that she had been subjected to sexual assault and attacked with acid by two persons. Upon hearing this, **PW-3** immediately informed the police authorities over the phone.
- 5.21 He further stated that the police arrived thereafter and conducted necessary measures. **PW-3** also proved the seizure of a 5-tier steel tiffin box (**MO-1**) and identified his signature on the seizure memo prepared by the Investigating Officer.
- 5.22 In his cross-examination, **PW-3** admitted that he was not an eyewitness to the occurrence and that his knowledge of the incident was based solely on what the victim had told him. He also stated that he was acquainted with the accused persons as they were posted in the locality. However, nothing material was elicited to discredit his testimony.
- 5.23 **PW-4 Korno Chakma**, is the husband of the deceased victim. He deposed that on the day of the incident, his wife had gone out to collect crabs and other forest products. Later, he came to know from victim X that BSF personnel had raped his wife and thrown acid on her and that victim X herself was also similarly assaulted.
- 5.24 He further stated that despite searching for several days, the dead body of his wife could not be found until it was eventually recovered by the police along with members of the Young Chakma Association from a small river. The dead body was then taken for post-mortem examination, and he proved the dead body challan (**Ext. P-2**) bearing his signature.

- 5.25 In cross-examination, **PW-4** admitted that he was not present at the place of occurrence and had no direct knowledge of the incident, his information being based solely on what was told to him by Suji Rani. He also admitted that his wife used to go out without informing him and that victim X was a close associate of his wife. He denied suggestions of false implication or any illicit relationship of his wife.
- 5.26 **PW-5 Samkilley Chakma**, deposed that he knew the deceased Rangobi and victim X as co-villagers. He stated that on a day prior to the incident (though he could not recall the exact date), both of them had invited him to accompany them to the forest for collecting crabs and other forest products, but he declined due to lack of time.
- 5.27 In cross-examination, **PW-5** clarified that he was not a close friend of the deceased or victim X and had never gone out with them earlier for such activities. He also stated that he could not identify the accused persons and denied the suggestion that he was deposing falsely.
- 5.28 **PW-6 Banu Pudi** deposed that on the evening of 16.07.2017, while she was inside her house at Silsuri village, she heard sounds from the nearby water point. On going there, she found a woman with a severely swollen face, wearing a multi-colour pant and white shirt washing herself. Upon enquiry, she identified the woman as victim X. **PW-6** then immediately informed the son of the VDP President over phone, following which the relatives of victim X arrived and took her away.
- 5.29 In cross-examination **PW-6** stated that she did not know the accused persons, had not heard any cries for help and had not witnessed the occurrence or seen the accused at the place of occurrence. She admitted that she knew victim X and confirmed that she remained at home after returning from visiting relatives earlier that day.
- 5.30 **PW-7 Minoti Chakma** daughter of the deceased Rangobi, deposed that she was residing with her parents

at the time of the incident. She stated that on a Sunday, her mother went out in the morning to collect crabs but did not return by evening or night which prompted the family to search for her in and around the village.

- 5.31 In cross-examination, **PW-7** stated that her mother was the breadwinner of the family and frequently went to the jungle for collecting forest products. She also mentioned that her father had been suffering from health issues for many years. She admitted that she did not know the accused persons and had no direct knowledge of the occurrence. She further stated that her mother had gone out at around 8:00 – 9:00 AM on the day of the incident.
- 5.32 **PW-8 Ashish Ahluwalia** deposed that he had been working as a Public Relation Officer (PRO) in Prasad & Co. since 2015 and was posted at Silsuri, IBBF, in 2016. On 16.07.2017, after seeing off the site in-charge in the morning, he remained at the guest house as he was unwell, watched television and slept during the daytime. He stated that he did not notice whether the BSF sentry guards performed duty during the day, though he knew sentry duty personnel attended the post at night. On 17.07.2017, he heard about an incident of rape that had allegedly occurred at Silsuri on 16.07.2017.
- 5.33 During cross-examination, the witness admitted that he did not know who performed sentry duty on 16.07.2017, did not know the accused persons and came to know about the incident only on 17.07.2017. He further stated that he had no personal knowledge regarding the instant case and denied the suggestion that he was deposing falsely before the Court.
- 5.34 **PW-9 Ashim Chakma** deposed that on a day of the incident (exact date not remembered), while he was on the road between Silsuri village and the company station, he saw victim X walking slowly in an injured condition. She asked for help and he attempted to assist her. Shortly thereafter, the son of the VCP and other villagers arrived and a crowd gathered. He stated that there was suspicion

against company workers, which created a situation of possible mob violence though it was avoided. Later, the relatives of victim X arrived and took her back to the village.

- 5.35 In cross-examination, **PW-9** admitted that he did not know the accused persons, had no knowledge of the actual occurrence and was unaware of the details of the alleged offences, including whether any rape had taken place. He clarified that his knowledge was limited to seeing the victim on the road and helping her and denied deposing falsely.
- 5.36 **PW-10 Dr. Hmingthangsanga** deposed that he was posted as Medical Officer at Phuldungsei PHC at the relevant time. On 18.07.2017, he medically examined victim X who was brought by police with a history of acid attack and rape. He found acid burns on the face, swelling of eyelids, inability to open eyes, eye infection, multiple abrasions on the body and abrasions on the vaginal wall. As the victim had already bathed and changed clothes, no seminal stains were detected. He prepared and submitted the injury report (**Ext. P-4**).
- 5.37 He further deposed that he conducted the post-mortem examination of deceased Rangobi on 23.07.2017 and found the body to be highly decomposed due to which no injuries could be ascertained and the cause of death could not be determined. He prepared the PME report. (**Ext. P-5**).
- 5.38 In cross-examination, **PW-10** stated that he could not identify the culprits and that the vaginal abrasions could occur due to causes other than rape. He also admitted that he could not determine the nature of acid used and could not establish any link between the death of Rangobi and the alleged assault on victim X.
- 5.39 **PW-11 Dr. Zosangpuii** deposed that on 20.07.2017, while on duty at Civil Hospital, Aizawl, she examined victim X who was brought by police. She found that the

victim was a mentally challenged person and had sustained acid burns on the face, involving the forehead, eyes, nose and cheeks. On genital examination, she noted that the hymen was absent and she collected vaginal smears (three slides) for detection of spermatozoa. She later took additional vaginal swabs on 22.07.2017 and proved her medical report. **(Ext. P-6)**.

- 5.40 In cross-examination, **PW-11** admitted that the examination was conducted two days after the incident and no seminal stains were found. She clarified that absence of hymen could be due to the victim having previously borne a child. She also stated that she found no injury on the vagina, did not conduct DNA profiling and was unaware of the laboratory results of the collected samples. She further admitted that she could not establish any connection between the medical findings and the accused persons.
- 5.41 **PW-13 Lalchhanzova** deposed that he examined various exhibits in connection with the case on three occasions (18.07.2017, 24.07.2017, and 29.07.2017). Upon forensic examination, he found that no semen was detected on any of the exhibits, including the victim's clothes, vaginal swab, and vaginal smears. However, blood stains were detected on certain clothing items of the victim.
- 5.42 He further stated that the blood stains found on the victim's clothing did not match with the blood samples of either accused, namely Dinesh Kumar and Nilanjan Das. He prepared and submitted his FSL reports. **(Ext. P-7, P-8 and P-9)**.
- 5.43 In cross-examination, **PW-13** confirmed that he conducted the examination and that no semen was detected and blood samples did not match the accused persons. He denied deposing falsely.
- 5.44 **PW-14 Lalhmachhuana** deposed that he was working in the Forensic Science Laboratory (FSL), Aizawl and

received certain exhibits on 26.07.2017 in connection with the case. The exhibits included tissue samples (from right knee and face) and a Mizo cloth (puan) for scientific examination.

- 5.45 Upon examination, he found that the tissue samples were not corroded by acid but by a base (alkaline substance) and the presence of base was detected in one of the exhibits. He further explained that both acid and base are corrosive substances capable of causing severe burns and that base is not produced during decomposition of tissues. He prepared and submitted his scientific report. **(Ext. P-10)**.
- 5.46 In cross-examination, **PW-14** admitted that he did not know the source of the exhibits could not specify the type of base detected, and that no corrosive substance was found on one of the tissue samples. He also confirmed that no sample was produced before the Court.
- 5.47 **PW-15 H. Lalduhsanga** deposed that he did not know the accused persons. He stated that, as per the direction of the then CJM, Aizawl, he recorded the judicial statement of the victim under Section 164 Cr.P.C on 03.08.2019 at Civil Hospital, Aizawl, with the assistance of an interpreter.
- 5.48 He further stated that he took all necessary precautions to ensure that the translation by the interpreter was accurate and free from any manipulation. He proved the judicial statement **(Ext. P-23)** along with his signature.

No cross-examination was conducted.

- 5.49 **PW-16 T. Lalhmachhuana** deposed that while he was posted as JMFC, Aizawl, he received a requisition from the Investigating Officer for conducting a Test Identification Parade (TIP) in connection with the case. Accordingly, he conducted the TIP on 05.09.2017 at the District Court premises, Aizawl.

- 5.50 He stated that in the first round of TIP, the victim correctly identified Nilanjan Das, and in the second round, she correctly identified Dinesh Kumar, as the persons who committed the offence. He proved the relevant Court orders, requisition, and TIP proceedings (**Ext. P-19, P-24, P-29 and P-30**).
- 5.51 In cross-examination, **PW-16** stated that he ensured fairness in the TIP process, including preventing the victim from seeing the suspects beforehand, conducting identification through a curtain, and arranging participants with similar appearance and attire. He admitted that he was unaware whether the accused were arrested prior to TIP and that he did not record any separate statement of the victim apart from noting the identification.
- 5.52 **PW-17 Lalchhuanawma**, the then Officer-in-Charge of Marpara Police Station, deposed that he knew the accused persons. He stated that on the day of the incident, the accused, who were Company Guards allegedly followed the victims into the jungle after collecting food from the camp. As per the statement of the survivor victim X, the accused attacked the victims with acid and committed sexual assault and the dead body of Rangobi was recovered after seven days.
- 5.53 He further deposed that he received telephonic information about the incident while attending a crime meeting at Mamit, informed superior officers and accompanied the SDPO to the place of occurrence where a plastic bottle smelling of acid was recovered and sent for forensic examination. He also stated that the victim later identified the accused persons during the Test Identification Parade conducted at Aizawl.
- 5.54 In cross-examination, **PW-17** admitted that his knowledge of the incident was based on what he had heard from the victim that he did not know who killed Rangobi and that he had no documentary evidence to produce. He also admitted that the victim was mentally

abnormal, though he denied deposing falsely before the Court.

- 5.55 **PW-18 Zomuanpuui** the then SDPO of W. Phaileng and Investigating Officer, deposed that she took up the investigation of the case on 18.07.2017 and registered Marpara P.S. Case No. 2/17 under Sections 326A/376D/376(2)(m)/34 IPC. She visited the victim X, recorded her statement through an interpreter and seized her clothes. As per the victim's statement, the accused persons who were BSF personnel followed her into the jungle, committed gang rape, and threw a corrosive substance on her face. She prepared sketch maps, conducted searches and later recovered the dead body of Rangobi on 22.07.2017 though due to decomposition, the cause of death could not be ascertained.
- 5.56 She further deposed that during investigation, on the basis of duty roster and statements of BSF officials the accused were identified as being on duty at the relevant time. A Test Identification Parade (TIP) was conducted on 05.09.2017 at Aizawl, wherein the victim identified both accused. She thereafter arrested them and conducted necessary formalities. The FSL report indicated that the burns were caused by a corrosive substance (base, not acid). She proved several documents including FIR, seizure memos, sketch maps, TIP report, arrest memos, and judicial statement of the victim.
- 5.57 In cross-examination, she admitted several material limitations, namely: the FIR was lodged one day later; she relied on an interpreter as she did not understand the victim's language; she was not present during TIP; no acid container or belongings of the accused were recovered from the scene; no direct scientific or documentary evidence linked the accused except the TIP; and none of the FSL or medical reports directly implicated the accused. She also admitted that investigation had commenced prior to FIR and that the charge-sheet was not filed by her.

5:59 In re-examination, she clarified that Section 302 IPC was added only after recovery of the dead body of Rangobi.

5.58 **PW-19 Zarzoliana**, Deputy Superintendent of Police, deposed that he took over further investigation of the case after being posted as SDPO, W. Phaileng in January 2018. He stated that upon perusal of the case diary he found that prosecution sanction had not been obtained; however, as it could not be secured within the stipulated period, he submitted the charge-sheet on 18.06.2018 without sanction. Subsequently, after receiving prosecution sanction from the Ministry of Home Affairs, he submitted a supplementary charge-sheet before the Court. He proved the charge-sheet, supplementary charge-sheet, forwarding letter and prosecution sanction.

5.59 In cross-examination, he admitted that he had not visit the place of occurrence and had relied entirely on the investigation conducted by the previous Investigating Officer. He also admitted that he was not present during the Test Identification Parade and had not personally received the medical reports. However, he stated that on the basis of the materials on record - such as the TIP, medical reports, FSL report and witness statements - he found a prima facie case against the accused.

EXAMINATION OF ACCUSED PERSONS

6. On 21.08.2024, the accused persons were examined u/s 313 Cr.P.C wherein all incriminating circumstances appearing in the evidence against them were put to them.

6.1 The accused **Nilanjan Das** was examined in Hindi language, interpreted by Avinas Gurung, Advocate wherein he denied all the incriminating evidence put to him and claimed complete innocence throughout his examination.

- 6.2 He stated that he had no knowledge of the incident and was falsely implicated in the case. While admitting that he, along with co-accused Dinesh Kumar was on duty as a food carrier (Company Guard) on the relevant day, he denied having met the victims or committing any act of rape or acid attack.
- 6.3 With regard to the Test Identification Parade (TIP) he expressed ignorance as to why the victim identified him, stating that he had no involvement and was made to stand in the identification line multiple times.
- 6.4 He further denied the allegations arising from the statements of prosecution witnesses, medical evidence and investigation and maintained that he did not know the victim x or anything about the incident.
- 6.5 In his final statement, he stated that he was called to the police station, photographed without explanation, later made to participate in TIP, and thereafter arrested and that he still does not understand why he has been implicated in the case.
- 6.6 The accused **Dinesh Kumar** was also examined in Hindi language, interpreted by Avinas Gurung, Advocate wherein he denied all allegations and incriminating circumstances put to him, asserting that he is innocent and has been falsely implicated in the case.
- 6.7 He stated that he had no knowledge of the incident, including the alleged rape, acid attack or the death of Rangobi. He denied knowing the victim X and rejected the statements of prosecution witnesses as untrue. While admitting that he, along with co-accused Nilanjan Das was on duty as a food carrier on the relevant day, he denied having met the victims or committing any offence.
- 6.8 Regarding the Test Identification Parade (TIP) he expressed confusion as to why the victim identified him, stating that he was made to stand in the identification line multiple times and had no involvement in the incident.

- 6.9 He further denied the medical and investigative evidence against him and maintained that nothing connects him to the crime. In his final statement, he stated that he was called to the police station without explanation, photographed, later made to participate in TIP and subsequently arrested and that he still does not understand why he has been accused in the case.

DEFENCE EVIDENCE

7. The defence initially submitted a list of four witnesses; however, only two witnesses were ultimately examined before the Court
- 7.1 **DW-1 Sanjit Kumar Singha**, deposed that he knew both accused persons and was serving as Post Commander at Prasad Company, Silsuri, at the relevant time. He stated that on the date of the incident (16.07.2017) he had lunch with the accused Nilanjan Das and Dinesh Kumar at about 11:30 AM, after which they all remained in the barrack and took rest. According to him, the camp was secured with barbed wire and had only one entry/exit gate, and therefore he asserted that the accused were present inside the camp and not involved in the alleged offence.
- 7.2 He further stated that on 28.07.2017, police personnel took photographs of the accused at W. Phaileng Police Station and he came to know about the incident only then. He also mentioned that during the TIP held on 05.09.2017 at Aizawl it was possible that the victim identified the accused because their photographs had already been taken earlier.
- 7.3 During cross-examination, **DW-1** admitted that the accused had gone out of the camp to collect tiffin from another BSF camp about 900 meters away and that, as per GD entry, they took around 45 minutes for the same. He further conceded that he was not on sentry duty and therefore could not say whether anyone had entered or left the barrack after lunch. However, he denied the

suggestion that the accused went out again after lunch or that he was deposing falsely.

- 7.4 **DW-2 Bhil Anil** deposed that he knew the accused persons and was serving as a Constable at Prasad Company, Silsuri, at the relevant time. He stated that on the date of the incident (16.07.2017) the accused Nilanjan Das and Dinesh Kumar had lunch around 11:30 AM, while he himself took lunch around 12:00 noon. Thereafter, he remained with the accused inside the camp and they all took rest together. He emphasized that the camp had only one entry/exit gate and was secured with barbed wire and asserted that the accused did not leave the barrack and were not involved in the incident.
- 7.5 He further stated that on 28.07.2017, the accused were taken to W. Phaileng Police Station where their photographs were taken and he came to know of the incident only then. He also mentioned that thereafter he went on leave and had no further knowledge of the proceedings.
- 7.6 During cross-examination **DW-2** admitted that the accused had gone out earlier in the day to collect tiffin from another BSF camp about 900 meters away but stated that they returned within about 50 minutes around 11:30 AM. He further stated that after lunch all personnel used to rest in the same room (except the Post Commander) and that due to hot weather they were not asleep but present inside the camp till around 4:00 PM. He denied the suggestion that he was deposing falsely and maintained that the accused did not go out of the camp after lunch.

ARGUMENT

8. Ld. Defence Counsel submitted that the present case arises out of allegations under Sections 302, 376D, 376(2)(m), and 326A read with Section 34 IPC. While the nature of the charges is undoubtedly grave and serious, it is a cardinal principle of

criminal jurisprudence that the gravity of an accusation cannot substitute the requirement of strict proof. It is respectfully submitted that upon a comprehensive appreciation of the entire evidence on record, including the examination and cross-examination of all prosecution witnesses, the prosecution has failed to adduce any cogent, reliable and legally admissible evidence linking the accused persons with the alleged offences.

- 8.1 At the outset, it is submitted that the edifice of criminal law is founded upon the presumption of innocence in favour of the accused. The burden lies squarely upon the prosecution to establish the guilt of the accused beyond reasonable doubt and such burden never shifts. Even where the defence sets up a specific plea, it is only required to establish a probable version on a preponderance of probabilities. In the present case, the prosecution has not only failed to prove its case beyond reasonable doubt but has also failed to present a coherent, consistent, and credible narrative capable of sustaining a conviction.
- 8.2 The prosecution case, when examined in its entirety, is fraught with material inconsistencies, contradictions and inherent improbabilities. The evidence brought on record lacks continuity and fails to inspire confidence. The cumulative effect of these deficiencies renders the prosecution version unreliable and unworthy of acceptance.
- 8.3 It is further submitted that there is no eyewitness account or direct evidence placing the accused at the scene of occurrence. The case of the prosecution rests entirely on circumstantial evidence. It is a settled principle of law that in cases based on circumstantial evidence: (i) each circumstance must be fully and firmly established; (ii) all such circumstances must form a complete and unbroken chain; and (iii) the chain must be such as to exclude every hypothesis other than the guilt of the accused. In the present case, the prosecution has failed to establish such

a chain of circumstances, thereby falling short of the legal threshold required for conviction.

- 8.4 The accused persons were serving defence personnel stationed within the camp at the relevant time. The official entry and exit registers, maintained in the ordinary course of duty clearly record their presence within the camp premises. Such official records carry significant evidentiary value and cannot be lightly disregarded. Furthermore, the distance between the camp and the alleged place of occurrence is considerable. Given the time constraints, it would have been humanly and logistically impossible for the accused to leave the camp, travel to the place of occurrence, commit the alleged offences, and return within the recorded timeframe. This aspect renders the prosecution story inherently improbable and doubtful.
- 8.5 The defence witnesses have unequivocally deposed that the accused were present in the barracks during the relevant period and were together under one roof. Their testimonies have remained consistent, credible and unshaken during cross-examination. There is no material contradiction or infirmity in their evidence that would justify its rejection.
- 8.6 It is also pertinent to note that the forensic examination conducted in the present case does not support the prosecution version. The blood samples of the accused did not match with the bloodstains found on the clothes of the victim. This scientific evidence significantly weakens the prosecution case and further distances the accused from the alleged crime.
- 8.7 The Test Identification Parade (TIP), which is a vital investigative tool has been conducted in a manner that is irregular and prejudicial to the accused. It has come on record that the photographs of the accused were allegedly taken and exposed to witnesses prior to the conduct of the TIP. Such prior exposure creates a substantial likelihood of pre-identification and tutoring, thereby vitiating the evidentiary value of the identification process.

Consequently, the identification evidence becomes unreliable and unsafe to rely upon.

- 8.8 The investigation in the present case suffers from serious procedural lapses and infirmities. These defects go to the root of the prosecution case and cast a serious doubt on its authenticity. It is well settled that where the investigation is tainted or defective, the benefit of such doubt must necessarily enure to the accused.
- 8.9 The defence has successfully established a plausible and credible plea of alibi, supported by documentary evidence in the form of official camp records as well as oral testimonies. Once such a probable defence is established, the burden shifts upon the prosecution to disprove the same. In the present case, the prosecution has failed to produce any evidence to contradict the alibi or to place the accused at the scene of occurrence. The defence version, therefore, remains unrebutted and worthy of acceptance.
- 8.10 In view of the aforesaid facts and circumstances, Ld. Defence Counsel submitted that the prosecution has utterly failed to prove its case beyond reasonable doubt. Any conviction based on such weak, inconsistent, and unreliable evidence would amount to a grave miscarriage of justice. On the contrary, acquittal of the accused would uphold the fundamental principles of criminal justice and ensure the preservation of a fair trial.
- 8.11 In light of the foregoing submissions, Ld. Defence Counsel prayed the Hon'ble Court to acquit the accused persons of all charges under Sections 302, 376D, 376(2)(m), and 326A read with Section 34 IPC and to hold that the prosecution has failed to prove its case beyond reasonable doubt.
- 8.12 Per contra, the prosecution, through the Ld. Additional Public Prosecutor has advanced a comprehensive and structured argument asserting that the charges against the accused persons Nilanjan Das and Dinesh Kumar

stand proved beyond reasonable doubt. It is contended that the prosecution has successfully established all the essential ingredients of the offences punishable under Sections 302, 376D, 376(2)(m), and 326A read with Section 34 IPC. This assertion is founded upon the cumulative effect of oral testimonies, medical evidence, documentary records, and circumstantial links brought on record through the examination of eighteen prosecution witnesses. The prosecution case, as unfolded during trial is consistent, cogent, and supported by oral, medical and circumstantial evidence forming a complete chain pointing unerringly towards the culpability of the accused.

- 8.13 At the core of the prosecution case lies the testimony of the victim **(PW-2)** which is described as consistent, cogent and credible. The victim has unequivocally deposed that the accused persons followed her and the deceased Rangobi into a jungle area, forcibly took her to a secluded place and subjected her to gang rape. She further stated that, subsequent to the sexual assault the accused threw a corrosive substance on her face causing severe burn injuries. The prosecution emphasizes that her statement recorded u/s 164 Cr.P.C. is in substantial conformity with her deposition before the Court and no material contradictions have been elicited during cross-examination. Relying on settled legal principles, it is submitted that the sole testimony of a prosecutrix, if found reliable and trustworthy, is sufficient to sustain a conviction even in the absence of independent corroboration.
- 8.14 The identification of the accused persons has been duly established through a properly conducted Test Identification Parade. The Ld. Magistrate **(PW-16)** has categorically deposed that the TIP was conducted in accordance with law and without any irregularity. The victim correctly identified both accused persons during the TIP, thereby firmly establishing their identity as the perpetrators of the offence.

- 8.15 The medical evidence further lends strong corroboration to the prosecution case. The doctors (**PW-10 and PW-11**), who examined the victim, have deposed that she sustained acid burn injuries on her face and eyes along with injuries on her body and private parts. These findings clearly establish that the victim was subjected to a brutal sexual assault followed by an attack using a corrosive substance. The nature, extent and location of injuries are wholly consistent with the account given by the victim.
- 8.16 The scientific evidence also supports the prosecution case. The FSL expert (**PW-14**) has opined that the injuries sustained by the victim x were caused by a corrosive substance, thereby corroborating her version that a harmful substance was thrown upon her. Though the forensic examination did not conclusively link the accused through biological samples, such absence is not fatal to the prosecution, particularly when the ocular testimony of the victim is reliable and trustworthy.
- 8.17 The circumstantial evidence relating to the deceased Rangobi also forms an important link in the chain. It has been established that the victim and the deceased were last seen together proceeding to the jungle where they encountered the accused persons. Thereafter, Rangobi went missing, and her dead body was subsequently recovered. The "last seen" theory, coupled with the presence of the accused in the area as established by the duty roster and admitted by the accused themselves, strongly implicates them. In the absence of any plausible explanation from the accused as to the circumstances in which Rangobi went missing and was later found dead, an adverse inference is liable to be drawn against them.
- 8.18 The defence sought to rely upon the plea that the accused were present within the camp. However, the defence witnesses themselves admitted that the accused had left the camp for collecting tiffin and they were unable to account for their movements thereafter. Being colleagues of the accused, their testimonies are inherently interested

and lack independent corroboration. Consequently, the defence version does not inspire confidence and fails to create any reasonable doubt in the prosecution case.

- 8.19 It is further submitted that the non-recovery of semen or the inability to identify the exact chemical substance used is not fatal to the prosecution case. The evidence on record shows that the victim had bathed and changed her clothes which sufficiently explains the absence of biological traces. It is well settled that medical or forensic evidence is merely corroborative and where the testimony of the victim is clear, cogent and reliable conviction can be sustained even in the absence of such evidence.
- 8.20 The statements of the accused recorded u/s 313 Cr.P.C further strengthen the prosecution case. The accused have merely denied the allegations without offering any plausible explanation. They have failed to explain how the victim was able to identify them in the Test Identification Parade and have admitted their presence in the area on duty at the relevant time. Their failure to account for these incriminating circumstances renders their defence false and untenable.
- 8.21 In view of the aforesaid evidence, Ld. Additional Public Prosecution submitted that the prosecution has successfully established that victim X was subjected to gang rape by the accused persons, that a corrosive substance was thrown upon her causing grievous injuries and that the deceased Rangobi went missing after encountering the accused and was subsequently found dead. The presence of the accused at the place of occurrence and their failure to explain the incriminating circumstances complete the chain of evidence, leaving no reasonable ground for doubt.
- 8.22 Therefore, Ld. Additional Public Prosecutor respectfully prayed the Hon'ble Court to convict the accused persons under Sections 302, 376D, 376 (2) (m) and 326A IPC and award appropriate punishment in accordance with law.

POINTS FOR DETERMINATION

9. Having regard to the rival contentions and the materials available on record, this Court considers it appropriate to crystallize the questions that fall for determination.
 - 9.1 The points for determination are framed keeping in view the prosecution case, the defence version and the settled principles governing appreciation of evidence in criminal jurisprudence.
 - 9.2 The following are the points for determination:
 1. **Whether the accused persons committed gang rape upon victim X on 16.07.2017, punishable u/s 376D IPC?**
 2. **Whether the accused persons committed rape causing grievous bodily harm or injury to the victim X punishable u/s 376(2)(m) IPC?**
 3. **Whether the accused persons caused grievous injuries to the victim X by throwing a corrosive substance on her, punishable u/s 326A IPC?**
 4. **Whether the accused persons are responsible for the death of Rangobi, punishable u/s 302 IPC?**
 5. **Whether the identity of the accused persons as the perpetrators of the offences has been proved beyond reasonable doubt?**
 6. **Whether the prosecution has proved the charges against the accused beyond reasonable doubt?**

APPRECIATION OF EVIDENCE AND REASONS FOR DECISION

Point No. 1:

10. ***Whether the accused persons committed gang rape upon victim x on 16.07.2017, punishable u/s 376D IPC?***

- 10.1 The prosecution case rests substantially on the direct and cogent testimony of the prosecutrix (**PW-2**) which forms the foundation of the charge u/s 376D IPC. The victim has consistently deposed that both accused persons forcibly subjected her to sexual intercourse on the date of occurrence. Her testimony, recorded u/s 164 Cr.P.C. as well as before the Court remains materially consistent and unshaken during cross-examination. There are no material contradictions or improvements affecting the core of the prosecution case.
- 10.2 It is a settled principle of law that the sole testimony of the prosecutrix, if found to be credible and trustworthy, is sufficient to sustain a conviction. In ***State of Punjab v. Gurmit Singh*** reported in **(1996 2 SCC 384)** the **Hon'ble Supreme Court** held *that the evidence of a rape victim stands on a higher pedestal and does not require corroboration unless there are compelling reasons.* In the present case, the testimony of **PW-2** inspires confidence and is of sterling quality.
- 10.3 The identification of the accused persons has been duly established through the Test Identification Parade conducted by the Ld. Magistrate (**PW-16**). The evidence on record shows that the victim correctly identified both accused persons during the TIP proceedings. The Magistrate has deposed that the TIP was conducted in accordance with prescribed procedure and without any irregularity. There is no substantive material on record to demonstrate that the identification process was vitiated. The mere suggestion of prior exposure, in the absence of convincing proof is insufficient to discard the TIP. The identification of the accused by the victim in TIP lends strong corroboration to her substantive evidence before the Court. Reliance may be placed on ***Budhsen v. State of Uttar Pradesh (1996 SCC 384)***, wherein it was held that *TIP serves to corroborate the testimony of a witness regarding identification of unknown accused persons.*

- 10.4 The medical evidence adduced through **PW-10** and **PW-11** further corroborates the version of the prosecutrix (victim X). The injuries found on her body, including injuries on private parts, are consistent with forcible sexual assault. Additionally, the acid burn injuries on her face and eyes support her account of subsequent attack, thereby reinforcing her overall credibility.
- 10.5 The absence of conclusive forensic evidence, such as semen detection, does not detract from the prosecution case. The explanation that the victim had bathed and changed clothes is plausible and in any event, it is well settled that medical evidence is corroborative in nature. In ***State of Himachal Pradesh v. Raghubir Singh (1993) 2 SCC 622***, it was held that *absence of medical corroboration is not fatal where ocular testimony is reliable*.
- 10.6 The defence plea of alibi does not inspire confidence. The defence witnesses have admitted that the accused had left the camp for collecting tiffin and could not account for their movements thereafter. Their testimonies, being interested in nature and lacking independent corroboration, fail to dislodge the consistent and reliable prosecution evidence.
- 10.7 Furthermore, surrounding circumstances further strengthen the prosecution case. The presence of the accused in the vicinity stands admitted and they have failed to offer any plausible explanation regarding their identification by the victim. Their failure to furnish any plausible explanation regarding the incriminating circumstances appearing against them in their statements u/s 313 Cr.P.C permits an adverse inference. Such failure permits the Court to draw an adverse inference.
- 10.8 In view of the credible and consistent testimony of the prosecutrix (**victim X**) duly corroborated by the Test Identification Parade supported by medical evidence and unshaken in material particulars, this Court holds that the prosecution has successfully established that both accused

persons, acting in furtherance of their common intention, committed gang rape upon victim X on 16.07.2017. Accordingly, the offence punishable u/s 376D IPC stands proved beyond reasonable doubt.

10.9 In the considered opinion of the Court, the prosecution has succeeded in proving this issue in the **affirmative**.

Point No.2:

11. ***Whether the accused persons committed rape causing grievous bodily harm or injury to the victim, punishable u/s 376(2)(m) IPC?***

11.1 Section 376(2)(m) IPC contemplates an aggravated form of rape where the act results in grievous bodily harm, disfigurement or endangers the life of the victim. The prosecution is thus required to establish: (i) commission of rape and (ii) that such act resulted in grievous injury within the meaning of law.

11.2 In the present case, this Court has already returned a finding under Point No. 1 that the accused persons committed gang rape upon the prosecutrix (**victim X**) on the date of occurrence. The issue that remains is whether the injuries sustained by the victim satisfy the requirement of "grievous bodily harm" as envisaged under Section 376(2)(m) IPC.

11.3 The medical evidence on record, particularly the testimony of **PW-10** and **PW-11**, establishes that the victim sustained multiple injuries, including injuries on her private parts consistent with forcible sexual assault. More importantly, the victim suffered acid burn injuries on her face and eyes which are of a serious and grievous nature and have resulted in disfigurement.

11.4 The nature and extent of these injuries clearly fall within the ambit of "grievous hurt" as defined u/s 320 IPC, particularly inasmuch as they involve permanent disfigurement of the face and serious bodily harm. Such

injuries are neither superficial nor trivial but are of a grave and enduring character.

- 11.5 The testimony of the prosecutrix (**victim X**) further establishes that the infliction of the corrosive substance occurred immediately after the sexual assault and formed part of the same transaction. This sequence of events is corroborated by the medical findings as well as the opinion of the expert witness (**PW-14**) who has opined that the injuries were caused by a corrosive substance.
- 11.6 It is a settled position of law that where grievous injuries are inflicted in the course of or in close proximity to the commission of rape, the offence would fall within the aggravated category u/s 376(2)(m) IPC. The prosecution has succeeded in establishing this essential ingredient beyond reasonable doubt.
- 11.7 The defence has failed to discredit the medical evidence or to offer any plausible explanation for the grievous injuries sustained by the victim. The plea of alibi, even if considered, does not detract from the consistent and cogent evidence regarding the nature and extent of the injuries.
- 11.8 In view of the foregoing, this Court is satisfied that the prosecution has proved that the rape committed upon the victim X resulted in grievous bodily harm and permanent disfigurement.
- 11.9 Accordingly, it is held that the offence punishable u/s 376(2)(m) IPC stands proved beyond reasonable doubt and this point for determination is answered in the **affirmative**.

Point No. 3:

12. ***Whether the accused persons caused grievous injuries to victim X by throwing a corrosive substance on her, punishable u/s 326A IPC?***

- 12.1 The testimony of the victim (**PW-2**) is clear, cogent and consistent to the effect that immediately after the commission of sexual assault, the accused persons threw a corrosive substance upon her face and body, resulting in severe burn injuries. Her version has remained consistent throughout, including in her statement recorded under Section 164 Cr.P.C., and no material contradiction has been elicited during cross-examination to discredit her testimony.
- 12.2 The medical evidence further lends strong corroboration to her version. The doctors (**PW-10** and **PW-11**) have deposed that the victim sustained severe burn injuries on her face, eyes and other parts of the body which are consistent with acid attack and clearly amount to grievous hurt, including permanent disfigurement.
- 12.3 It is well settled that where the testimony of the injured victim is reliable and inspires confidence, the same carries great evidentiary value. In ***State of Uttar Pradesh v. Naresh (2011) 4 SCC 324***, the **Hon'ble Supreme Court** held that *the testimony of an injured witness has a special evidentiary status and is entitled to great weight, as such a witness is unlikely to falsely implicate an innocent person*. Similarly, in the case of ***Laxmi v. Union of India***, reported in **(2014) 4 SCC 427** the **Supreme Court** recognized *the grave and heinous nature of acid attacks and emphasized the need for strict application of Section 326A IPC in cases involving intentional infliction of injuries by corrosive substances*.
- 12.4 The identity of the accused as the perpetrators of the act stands established through the consistent testimony of the victim X and the Test Identification Parade, which has been found to be conducted in accordance with law. No material infirmity has been shown so as to discard such identification.
- 12.5 The defence has failed to rebut the prosecution evidence or to probalilise any alternative version explaining the injuries sustained by the victim. The absence of recovery

of the exact chemical substance or other corroborative material is not fatal when the ocular and medical evidence clearly establish the nature of the act and its consequences.

12.6 In view of the cogent and reliable testimony of the victim, duly supported by medical and scientific evidence, this Court holds that the prosecution has proved that the accused persons acting in furtherance of their common intention, caused grievous injuries to the victim by throwing a corrosive substance upon her. Accordingly, the offence punishable u/s 326A IPC stands established beyond reasonable doubt.

12.7 Accordingly, this point is decided in favour of the prosecution and against the accused persons.

Point No. 4:

13. ***Whether the accused persons are responsible for the death of Rangobi, punishable u/s 302 IPC?***

13.1 The prosecution case relating to the death of Rangobi is entirely based on circumstantial evidence, as there is no direct or eyewitness account of the alleged murder. It is an admitted position that the dead body of Rangobi was recovered in a decomposed state several days after the incident and the medical evidence has not been able to conclusively ascertain the exact cause of death. This creates a fundamental gap in establishing that the death was homicidal in nature which is a sine qua non for attracting liability u/s 302 IPC.

13.2 The prosecution has relied upon the "**last seen**" theory by contending that the victim X and the deceased were last seen together proceeding towards the jungle where they encountered the accused persons. However, it is well settled that the "last seen" circumstance, by itself, is a weak piece of evidence unless it is supported by other cogent and incriminating circumstances forming a complete chain. In ***Sharad Birdhichand Sarda v. State of Maharashtra*** reported in **1984 (4) SCC 116** the

Hon'ble Supreme Court laid down that *in cases based on circumstantial evidence, the chain of circumstances must be complete and must exclude every hypothesis other than the guilt of the accused.*

- 13.3 In the present case, the prosecution has failed to establish such a complete chain. Apart from the alleged last seen circumstance and the presence of the accused in the area, there is no independent evidence linking the accused directly to the death of Rangobi. No recovery of weapon, no motive clearly established, and no scientific or forensic evidence connects the accused with the death. Furthermore, the inability of the medical evidence to determine the cause of death significantly weakens the prosecution case.
- 13.4 The accused, in their statements u/s 313 Cr.P.C., have denied the allegations. While their failure to explain certain circumstances may raise suspicion, it is a settled principle that suspicion, however strong, cannot take the place of proof. In ***Kali Ram v. State of Himachal Pradesh*** reported in **(1973) 2 SCC 808** it was held that *if two views are possible, the one favourable to the accused must be adopted.*
- 13.5 In the absence of a complete and unbroken chain of circumstances and in view of the serious deficiencies in the prosecution evidence, this Court is of the opinion that the prosecution has failed to prove beyond reasonable doubt that the accused persons caused the death of Rangobi.
- 13.6 Accordingly, the accused persons are entitled to the benefit of doubt with respect to the charge u/s 302 IPC, and the said charge is not established.
- 13.7 In the considered opinion of the Court, this issue is not proved beyond reasonable doubt, and is accordingly answered in the **negative.**

14. ***Whether the identity of the accused persons as the perpetrators of the offences has been proved beyond reasonable doubt?***

- 14.1 The primary evidence regarding identification emanates from the testimony of the victim (**PW-2**) who has categorically identified both accused persons as the individuals who followed her and the deceased, committed sexual assault upon her and subsequently threw a corrosive substance causing grievous injuries. Her identification of the accused in Court is clear, consistent and unwavering. No material contradiction or infirmity has been elicited in her cross-examination to discredit her identification.
- 14.2 The said identification is further corroborated by the Test Identification Parade (**TIP**) conducted during investigation. The Ld. Magistrate (**PW-16**) who conducted the TIP has deposed that the same was carried out strictly in accordance with the prescribed procedure and without any irregularity. The victim correctly identified both accused persons during the TIP. The evidentiary value of such identification lends assurance to the in-court identification.
- 14.3 It is well settled that identification in Court is substantive evidence, while the Test Identification Parade serves as corroborative evidence. In ***State of Maharashtra v. Suresh*** reported in (2000) 1 SCC 471 the **Hon'ble Supreme Court** held *that TIP is meant to test the veracity of a witness and strengthen the trustworthiness of identification made in Court*. Similarly, in ***Malkhansingh v. State of Madhya Pradesh*** reported in (2003) 5 SCC 746 it was held *that where the witness had sufficient opportunity to observe the accused, dock identification can be relied upon especially when corroborated by a properly conducted TIP*.
- 14.4 In the present case, the accused were not previously known to the victim; therefore, the successful identification in TIP assumes significance and lends strong

corroboration to her in-court identification. The identification is further supported by surrounding circumstances, including the admitted presence of the accused in the area on duty at the relevant time.

- 14.5 In ***Budhsen v. State of Uttar Pradesh*** reported in **(2003) 5 SCC 746** the **Supreme Court** held that the purpose of TIP is to test and strengthen the trustworthiness of the identification made by the witness in Court. Similarly, in ***Dana Yadav v. State of Bihar*** reported in **(2002) 7 SCC 295** it was reiterated that *TIP is not substantive evidence but lends assurance to the testimony of witnesses regarding identity.*
- 14.6 In the present case, the victim had sufficient opportunity to observe the accused during the occurrence, which took place in close proximity and involved prolonged interaction. Her identification is thus natural and reliable.
- 14.7 The defence contention regarding prior exposure of photographs does not find substantiation in any cogent evidence. Mere suggestions put in cross-examination, without proof are insufficient to discard an otherwise valid TIP. No material irregularity has been established so as to vitiate the identification proceedings.
- 14.8 Further, the presence of the accused in the vicinity stands admitted and the surrounding circumstances lend additional assurance to their identification. The accused have failed to furnish any plausible explanation as to why they were identified by the victim, which permits an adverse inference against them.
- 14.9 The accused, in their statements u/s 313 Cr.P.C., have failed to offer any plausible explanation as to why the victim would falsely implicate them or how she was able to identify them. Their bare denial does not discredit the positive identification made by the victim.
- 14.10 In view of the consistent and reliable ocular testimony of the victim, duly corroborated by the Test Identification

Parade and supported by surrounding circumstances, this Court finds that the identity of the accused persons as the perpetrators of the offences has been firmly established beyond reasonable doubt.

14.11 Accordingly, this point is decided in favour of the prosecution and against the accused persons.

Point No. 6:

15. ***Whether the prosecution has proved the charges against the accused beyond reasonable doubt?***

15.1 In the considered opinion of the Court, the prosecution has partly succeeded in proving the charges against the accused beyond reasonable doubt.

15.2 Upon a comprehensive appreciation of the entire evidence on record, this Court finds that the prosecution has been able to establish, beyond reasonable doubt that the accused persons committed gang rape upon the victim and caused grievous injuries to her by throwing a corrosive substance. The testimony of the prosecutrix **(PW-2)** is found to be cogent, consistent, and trustworthy, and inspires full confidence. The same is duly corroborated by medical evidence, which confirms sexual assault and acid burn injuries, as well as by scientific evidence establishing the use of a corrosive substance. The identification of the accused persons is also proved through a properly conducted Test Identification Parade and their subsequent identification in Court. These circumstances, taken together, form a complete and reliable chain of evidence establishing the offences punishable under Sections 376D, 367 (2)(m) and 326A IPC.

15.3 However, insofar as the charge u/s 302 IPC relating to the death of Rangobi is concerned, the prosecution has failed to establish the same beyond reasonable doubt. The case rests solely on circumstantial evidence and the chain of circumstances is incomplete. The medical evidence does

not conclusively establish the cause of death and there is no direct or cogent evidence linking the accused to the homicidal death of the deceased. The "last seen" theory in the absence of further corroboration is insufficient to sustain a conviction. In this regard, reliance may be placed on ***Sharad Birdhichand Sarda v. State of Maharashtra (supra)*** wherein it was held that *in cases based on circumstantial evidence, the chain must be complete and must exclude every hypothesis other than the guilt of the accused.*

- 15.4 It is also a settled principle that suspicion, however strong, cannot take the place of proof, and the benefit of doubt must be extended to the accused. In ***Kali Ram v. State of Himachal Pradesh (supra)*** the **Hon'ble Supreme Court** held that *where two views are possible, the one favourable to the accused must be adopted.*
- 15.5 Accordingly, this Court holds that the prosecution has successfully proved the charges under Sections 376D, 376 (2)(m) and 326A IPC beyond reasonable doubt. However, the prosecution has failed to prove the charge u/s 302 IPC, and the accused are entitled to the benefit of doubt in respect of the said charge.

ORDER

16. Upon appreciation of the entire evidence on record, this Court finds that the prosecution has proved beyond reasonable doubt that the accused persons, **Nilanjan Das** and Dinesh Kumar committed gang rape upon the victim X, committed an aggravated form of rape and in the course of such commission causes grievous bodily harm, maims and disfigures the victim X by endangering her life and also caused grievous injuries to her by use of a corrosive substance by throwing it on her. Accordingly, both accused are **convicted under Sections 376D, 376 (2)(m) and 326A** read with **Section 34 IPC.**
- 16.1 However, with regard to the charge **u/s 302 IPC** concerning the death of Rangobi, the prosecution has failed to establish the same beyond reasonable doubt. The

accused persons are therefore **acquitted** of the offence **u/s 302 IPC**, extending the benefit of doubt.

16.2 Convicted persons shall be taken into judicial custody to be produced on 16.06.2026 for sentence hearing.

Pronounced in an open Court in presence of both parties and given under my own hand and seal of the court on this the 12th day June, 2026.

Sd/- Sylvie Zomuanpuii Ralte
Addl. District & Sessions Judge-I
Aizawl Judicial District, Aizawl

**IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE-I,
AIZAWL JUDICIAL DISTRICT
AIZAWL: MIZORAM**

Sessions Case No. 43/2018

Crl. Trl. No.1417/2018

A/o Marpara PS Case No.2/2017 Dated 18.07.2017

u/s 302/326A/376D/376(2)(m)/34 IPC

BEFORE

Smt. Sylvie Zomuanpuii Ralte
Addl. District & Sessions Judge-I
Aizawl Judicial District

State of Mizoram Complainant

Versus

1. Nilanjan Das
S/o Sushil Kumar
R/o Amra Barie Village
West Bengal

2. Dinesh Kumar
S/o Raghunath Singh
R/o Chhajupura Village
P/S Noorpur, UP

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Convicted

PRESENT

For the Prosecution : Smt. Lalremruati, Ld. Addl. P.P.

For the Convicts : Shri Zoramchhana & Ors, Ld.

Advocates

Date of Sentence Hearing : 16.06.2026

Date of Sentence : 16.06.2026

SENTENCE ORDER

1. Heard the convicts, namely Nilanjan Das and Dinesh Kumar, on the question of sentence. The Ld. Additional Public Prosecutor has prayed for imposition of maximum punishment in view of the grave and heinous nature of the offences. The convicts, on the other hand, have prayed for leniency, submitting mitigating circumstances.
2. This Court has considered the nature and gravity of the offences, the manner of their commission, the impact on the victim and the aggravating and mitigating circumstances on record. The offences of gang rape, aggravated form of rape committed by a person who is in a position of authority or trust and acid (corrosive substance) attack are of an extremely serious nature, affecting not only the bodily integrity but also the dignity and life of the victim.
3. Having held the accused persons guilty of the offences punishable under Sections **376D**, **376(2)(m)**, and **326A** of the Indian Penal Code, and upon hearing the accused on the question of sentence, this Court proceeds to pass the following Order:
 - i) For the offence under Section **376D IPC (Gang Rape)**: The accused persons are sentenced to undergo **rigorous imprisonment for a period of 20 years** and to pay a **fine of Rs. 20,000/- each**. In default of payment of fine, they shall further undergo **simple imprisonment for a period of 2 months**.
 - ii) For the offence under Section **376(2)(m) IPC (Rape causing grievous bodily harm)**: The accused persons are sentenced to undergo **rigorous imprisonment for a period of 10 years** and to pay a **fine of Rs. 20,000/- each**. In default of payment of fine, they shall further undergo **simple imprisonment for a period of 2 months**.
 - iii) For the offence under Section **326A IPC (Acid Attack)**: The accused persons are sentenced to undergo **rigorous imprisonment for 12 years** and to pay a **fine of Rs.**

20,000/- each. In default of payment of fine, they shall further undergo **simple imprisonment for a period of 2 months.** The fine amount, if realized, shall be paid to the victim for her medical treatment and rehabilitation.

Direction Regarding Sentences:

- iv) All the substantive sentences shall **run concurrently.**

Set-off:

- v) The period of detention already undergone by the accused during investigation and trial shall be **set off u/s 428 Cr.P.C.**

Victim Compensation:

- vi) In addition to the fine imposed, the victim shall be entitled to **compensation under the Victim Compensation Scheme** as per Section 357A Cr.P.C to be determined by the appropriate authority. The Secretary, Mamit District Legal Services Authority is directed to take appropriate steps in this regard.

Seized Articles:

- vii) The seized articles, if any, shall be disposed of in accordance with law after expiry of the period of appeal.

Right to Appeal:

- viii) The convicts are informed of their right to prefer an appeal against this Judgment and Order.

Let a copy of the Judgment and Sentence be given to the Accused persons free of cost, and a copy be sent to the District Magistrate, Mamit as provided by Section 365 of the Code of Criminal Procedure.

Ordered accordingly.

Pronounced in open Court on this the 16th day of June 2026

Sd/- Sylvie Zomuanpuii Ralte

Addl. District & Sessions Judge-I

Aizawl Judicial District, Aizawl

Memo No: Crl. Tr. No. 1417/18/AD&SJ(A)/2026/_____
Dated Aizawl the 16th day of June, 2026.

Copy to: -

1. The District & Sessions Judge, Aizawl Judicial District, Aizawl.
2. The District Magistrate, Mamit District.
3. The Superintendent of Police, Mamit District.
4. Ld. Addl. Public Prosecutor, Aizawl.
5. DSP (Prosecution), District Court Aizawl.
6. The Officer-in-Charge, Marpara Police Station.
7. Accused persons through their Ld. Counsels.
8. Case record.
9. Judgment Order Book.

Peshkar

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE
PW-1	Mithun Chakma	Complainant
PW-2	Withheld (victim X)	Victim
PW-3	Purno Nath	Prosecution Witness
PW-4	Korno Chakma	Prosecution Witness
PW-5	Samkilley Chakma	Prosecution Witness
PW-6	Banu Pudi	Prosecution Witness
PW-7	Minoti Chakma	Prosecution Witness
PW-8	Ashish Ahluwalia	Prosecution Witness
PW-9	Ashim Chakma	Prosecution Witness
PW-10	Dr. Hmingthansanga	Expert Witness
PW-11	Dr. Zosangpuii	Expert Witness
PW-12	Buddha Ranjan Chakma	Seizure Witness
PW-13	Lalchhanzova	Expert Witness
PW-14	Lalmachhuana	Expert Witness
PW-15	Lalduhsanga	JMFC
PW-16	T. Lalmachhuana	JMFC
PW-17	Lalchhuanawma	Prosecution Witness
PW-18	Zomuanpuii	Case IO
PW-19	Zarzoliana	Case IO

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
DW-1	Sanjit Kumar Singha	Defence Witness
DW-1	Bhil Anil	Defence Witness

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr.No	Exhibit Number	Description
1	Exhibit P-1	FIR
2	Exhibit P-2	Dead body challan
3	Exhibit P-3	Seizure memo in respect of victim's clothing
4	Exhibit P-3(1)	Seizure memo in respect of 5 tier steel tiffin box
5	Exhibit P-4	Injury report in respect of Smt. Suji Rani
6	Exhibit P-5	PME report
7	Exhibit P-6	Medical examination report of victim
8	Exhibit P-7	Examination report of FSL dt. 10.08.2017
9	Exhibit P-8	Examination report of FSL dt. 28.07.2017
10	Exhibit P-9	Examination report of FSL dt. 20.09.2017
11	Exhibit P-10	Scientific examination report
12	Exhibit P-11	Charge-sheet
13	Exhibit P-12	FIR in prescribed form
14	Exhibit P-13	Sketch map of PO described by victim
15	Exhibit P-14	Sketch map drawn on the spot
16	Exhibit P-15	Seizure memo in respect of 10 items (clothing and properties of victim)
17	Exhibit P-16	Seizure memo in respect of facial and knee tissues of deceased victim
18	Exhibit P-17	BSF roster
19	Exhibit P-18	Order dt. 25.07.2017 passed by Ld. CJM, Mamit
20	Exhibit P-19	Report of TIP
21	Exhibit P-20	Arrest memo in respect of Nilanjan Das
22	Exhibit P-21	Arrest memo in respect of Dinesh

		Kumar
23	Exhibit P-22	Prayer to move prosecution sanction
24	Exhibit P-23	Judicial statement of victim
25	Exhibit P-24	Requisition for conducting TIP
26	Exhibit P-25	Prosecution sanction
27	Exhibit P-26	Supplementary charge-sheet
28	Exhibit P-30	Court Order for conducting TIP

B. Defence :

Sr.No	Exhibit Number	Description
	NIL	NIL

C. Court Exhibits :

Sr.No	Exhibit Number	Description
	NIL	NIL

D. Material Objects :

Sr.No	Exhibit Number	Description
1	MO-1	Seized 5 tier steel tiffin box
2	MO-2	Seized Dao
3	MO-3	Seized nylon bag (white color)
4	MO-4	Seized blue color slipper
5	MO-5	Seized crocs slipper
6	MO-6	Seized multi-color pant
7	MO-7	Seized black undergarment
8	MO-8	Seized small plastic tobacco container
9	MO-9	Seized orange color hair comb
10	MO-10	Seized measuring cylinder