

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**CRIL. PETN. No. 23 of 2022**

1. Smt. Pamnunhoih, aged about 30 years, w/o Mr. Letkhogin, a resident of Churachandpur, Manipur – 795143.
2. Miss DEF, aged about 4 years, Churachandpur, Manipur – 795143.

***...Petitioner***

**- Versus -**

1. The State of Manipur, represented by the Chief Secretary (Home), Govt. of Manipur at Imphal, Old Secretariat Building, Babupara, Imphal, Manipur – 795001.
2. The Officer in Charge of Women Police Station, Churachandpur, Manipur – 795143.
3. The Director of Relief & Rehabilitation, Government of Manipur at DC Complex, Lamphel – 795004.

***... Respondents***

**B E F O R E  
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR**

For the petitioners	:	Mr. S. Thoi Thoi Meitei, Advocate
For the respondents	:	Mr. Athouba Kh., Public Prosecutor
<b>Date of order</b>	:	<b>28-09-2022</b>

**ORDER**

[1] By way of this petition filed under Section 482 Cr.P.C., the petitioners, being the child involved and her biological mother, sought a direction to the learned Special Judge (POCSO), Churachandpur, to complete the trial in Special Trial (POCSO) Case No. 01 of 2020 (Ref: FIR No. 02(05) of 2018 WPS-CCP, under Sections 6 & 10 of the Protection of

Children from Sexual Offences Act, 2012). They also sought payment of additional interim compensation of ₹. 4,00,000/- to the child.

[2] Heard Mr. S. Thoi Thoi Meitei, learned counsel for the petitioners, and Mr. Athouba Khaidem, learned Public Prosecutor, appearing for the respondents.

[3] Mr. Athouba Khaidem, learned Public Prosecutor, informed this Court that Special Trial (POCSO) Case No. 1 of 2020 was disposed of by the learned Special Judge (POCSO), Churachandpur, *vide* judgment and order dated 07-07-2022. A copy of the same is also placed on record. Perusal thereof reflects that the learned Special Judge was of the opinion that the statements of the victim child were not reliable and trustworthy and he accordingly acquitted the accused.

[4] The first prayer of the petitioners with regard to speedy disposal of the case therefore stands settled. As regards the second prayer made for payment of compensation, even if any interim order was passed with regard to the same, the said order would stand merged with the final order, whereby the accused was acquitted on the ground that the offence did not stand proved.

[5] Though Mr. S. Thoi Thoi Meitei, learned counsel, would place reliance on Rule 9(2) of the Protection of Children from Sexual Offences Rules, 2020, this Court is of the opinion that the said provision does not further his case. This Rule merely states that, even if the case ends in acquittal or discharge, the Special Court would be entitled, either on its own

or upon an application filed by or on behalf of the victim, to recommend the award of compensation if, in its opinion, the child has suffered loss or injury as a result of the offence. Therefore, in the event of acquittal or discharge of the accused on a technical ground or due to benefit of doubt, but the Special Court finds, as a matter of fact, that the offence has been committed, the Special Court would be entitled to exercise power for recommending award of compensation. However, in the case on hand, the Special Court disbelieved the statements of the victim and held that the offence itself did not stand proved. Therefore, this was not a case where the Special Court could invoke and exercise power under Rule 9(2) of the Protection of Children from Sexual Offences Act, 2020. It is, however, left open to the petitioners to seek appropriate remedies afresh in the event the judgment of acquittal is reversed in appeal, if any.

Subject to the above observation, the criminal petition is disposed of.

**CHIEF JUSTICE**

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