
CASE COMMENTARY ON P. YUVAPRAKASH V. STATE, 2023

SCC ONLINE SC 846

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INTRODUCTION

The case of *P. Yuvaprakash vs State Rep. By Inspector Of Police*¹ presents a complex legal scenario, unfolding a narrative of alleged offenses involving the appellant and invoking the provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The appellant, dissatisfied with the conviction and sentence affirmed by the Madras High Court, sought redress through an appeal. The legal intricacies of age determination, the reliability of statements made under Section 164 of the Criminal Procedure Code (Cr.PC), and the proper interpretation of the POCSO Act are central to the issues at hand. Against the backdrop of a complaint lodged by T. Abdul Hameed, the appellant stands accused of a series of events involving the purported abduction, marriage, and sexual intercourse with the victim, identified as "M." The trial court initially rendered a conviction, subsequently modified by the High Court, affirming the POCSO Act conviction while altering the sentence. This case commentary delves into the nuanced legal aspects, scrutinizing the evidence, evaluating age determination procedures, and dissecting the applicability of the POCSO Act in light of the presented facts. The intricate legal journey unfolds against the canvas of the victim's familial context, highlighting the contentions surrounding the circumstances leading to the allegations. The appellant's acquittal on charges under Section 366 of the Indian Penal Code (IPC) and the subsequent conviction under Section 6 of the POCSO Act underscore the need for a meticulous examination of the evidence presented during the trial. This case commentary aims to dissect the court's reasoning, critically analyse the legal arguments put forth by both the prosecution and the defence, and illuminate the broader implications of the court's decision on the application of laws pertaining to crimes against children.

¹ *P. Yuvaprakash v. State*, 2023 SCC OnLine SC 846

FACTUAL BACKGROUND

1. T. Abdul Hameed filed a complaint alleging the kidnapping of his younger daughter, referred to as "M," aged 17 (nearing 18).
2. M experienced a stomach-ache while her father was away at work on January 13, 2015. She was taken to the hospital by her elder sister and aunt.
3. Allegedly, while returning home near Rita School, Shastri Nagar, M was kidnapped by Yuvaprakash and two others, as reported to Abdul Hameed by his elder daughter over the phone.
4. A complaint under Section 366A of the IPC was lodged, alleging abduction.
5. The appellant (Yuvaprakash) and others allegedly took M to a temple at Kodumudi town and performed a marriage ceremony, after which M was made to stay with the appellant.
6. Allegations included repeated sexual intercourse between the appellant and M during their time together.
7. They later travelled to Madurai, where M stayed with the appellant in his uncle's house, and further alleged sexual interactions took place.
8. When they became aware of the police complaint, the appellant and others abandoned M, who then returned to her father's house and reported the events to the investigating officer.
9. The complaint was altered, including charges under Sections 6 and 17 of the POCSO Act, along with other offenses.
10. During the trial, key witnesses included M (the victim), her sister, individuals related to the accused, the doctor who examined M, the sub-inspector who registered the case, and the investigating officer.
11. The trial court found the appellant and others guilty, sentencing the appellant to life

imprisonment under Section 6 of the POCSO Act.

12. The High Court modified the conviction. Accused individuals were convicted under different sections, and the appellant's sentence was reduced to 10 years of rigorous imprisonment.
13. The appellant was acquitted of the charge under Section 366 of the IPC, but his conviction under the POCSO Act was confirmed.

ISSUE

1. Did the court appropriately assess the hierarchy of documents for age determination under Section 94(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, and consider the inadequacy of a transfer certificate in establishing the victim's age?
2. Was the reliance on the victim's statement under Section 164 of the Criminal Procedure Code (Cr. PC) justified, considering her subsequent retraction and the need for corroborative evidence in cases involving sexual offenses?
3. Did the court correctly evaluate the reliability and authenticity of the ossification test as the primary evidence for age determination when primary documents, such as school or matriculation certificates, were unavailable?
4. In interpreting the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), did the court appropriately consider the absence of evidence supporting the allegations of penetrative sexual assault, leading to the acquittal of the appellant on those charges?

PETITIONER'S ARGUMENT

The appellant, P. Yuvaprakash, argued through his counsel, Ms. E.R. Sumathy, that the findings of the lower courts were unsustainable. Ms. Sumathy contended that the victim, in her statement under Section 164 of the Cr. PC, clearly indicated that she willingly left with the appellant, and her sister and aunt were aware of their relationship. Emphasizing the victim's change in testimony and the acknowledgment of mutual affection, the defence argued that this should cast serious

doubts on the prosecution's narrative. Additionally, the defence asserted that the prosecution failed to discharge the burden of proving the victim's age under the statutory criteria of the POCSO Act and the Juvenile Justice Act. Highlighting the ossification test results indicating the victim's age between 18 and 20, the defence argued that the appellant could not be convicted based on insufficient evidence.

RESPONDENT'S ARGUMENT

Mr. V. Krishnamurthy, the Learned Additional Advocate General representing the State, supported the concurrent conviction and sentence recorded by the lower courts. Mr. Krishnamurthy argued that even if the victim and the appellant were in a consensual relationship, the statutory age was paramount, making consent irrelevant. The prosecution emphasized the findings of the lower courts regarding the victim's age, pointing to the testimony of the Head Mistress of the school and the transfer certificate. Mr. Krishnamurthy contended that the victim's age, as established by these documents, was below the statutory limit, justifying the conviction under the POCSO Act. The prosecution maintained that the courts below correctly considered the evidence, and the reduction in sentence by the High Court was justified based on the victim's age.

COURT'S DECISION

The court rendered a comprehensive and meticulous decision, ultimately leading to the acquittal of the appellant. The court critically examined several legal issues, including age determination, reliability of the victim's statement, and the interpretation of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The court delved into the first legal issue, scrutinizing the adequacy of evidence for age determination. It emphasized the statutory criteria outlined in Section 94(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, and highlighted the necessity of considering school or matriculation certificates as the primary documents for determining age. The court specifically addressed the insufficiency of a transfer certificate presented by the prosecution and underscored the importance of adhering to the prescribed hierarchy of documents. Another pivotal legal issue revolved around the victim's statement under Section 164 of the Criminal Procedure Code (CrPC). The court explored the circumstances surrounding the victim's initial support for the prosecution's case and her subsequent retraction.

Emphasizing the need for corroborative evidence in cases involving sexual offenses, the court questioned the justification for relying on a statement that did not align with the victim's medical examination results. The court further analyzed the authenticity of the ossification test conducted by PW-9, the Chief Civil Doctor and Radiologist. In the absence of primary documents supporting age determination, the court deemed the ossification test as the most authentic evidence. It evaluated the reliability of the medical examination, considering the victim's age contested during the trial. Finally, in interpreting the POCSO Act, the court addressed the absence of evidence supporting allegations of penetrative sexual assault. It emphasized that penetrative sexual assault, a crucial element under the Act, was not established by the prosecution. The court, therefore, concluded that the charges under the POCSO Act could not be sustained. As a result of its thorough analysis and findings, the court acquitted P. Yuvaprakash of all charges. The decision included the setting aside of the conviction and sentence imposed by the High Court. The appellant was ordered to be set at liberty forthwith unless required in connection with any other case. The appeal was allowed, and no order on costs was specified. This decision underscores the court's commitment to a rigorous examination of evidence and strict adherence to statutory provisions in adjudicating cases involving complex legal issues.

ANALYSIS

In the case of P. Yuvaprakash vs State, the court navigated through intricate legal issues, primarily centred around age determination, reliability of the victim's statement under Section 164 Cr. PC, and the interpretation of the POCSO Act. The careful examination of these issues showcased the court's commitment to upholding the rule of law and ensuring justice is meted out with due diligence. One of the pivotal aspects of the case was the court's scrutiny of the hierarchy of documents for age determination. The court rightly emphasized the statutory provisions of Section 94(2) of the Juvenile Justice Act, highlighting the need for reliance on school or matriculation certificates in establishing a minor's age. By doing so, the court reinforced the importance of a standardized and reliable approach in determining crucial factors such as the age of the victim. The court's evaluation of the victim's statement under Section 164 CrPC demonstrated a nuanced understanding of the complexities in cases involving sexual offenses. While acknowledging the initial statement's support for the prosecution's case, the court appropriately underscored the necessity for corroborative evidence. This approach aligns with established legal principles that

demand a cautious evaluation of statements, especially when dealing with sensitive matters like sexual assault. A critical legal issue addressed pertained to the reliance on the ossification test as the primary evidence for age determination. The court's acceptance of the test's authenticity, despite the absence of conventional documents, reflects a pragmatic approach to evidentiary matters. This decision emphasizes the court's adaptability in considering modern medical techniques when confronted with gaps in traditional documentary evidence. Furthermore, the court's interpretation of the POCSO Act demonstrated a judicious application of the law. By emphasizing the necessity of proving elements such as penetrative sexual assault and considering the absence of supporting evidence, the court ensured a meticulous examination of the charges. The resulting acquittal on certain charges underscored the court's commitment to fairness and due process. In conclusion, the court's analysis in *P. Yuvaprakash vs State* showcases a commendable adherence to legal principles and a thorough examination of the intricate issues at hand. The judgment not only contributes to the evolving jurisprudence surrounding child protection laws but also sets a precedent for a balanced and nuanced approach in cases involving age determination and sexual offenses.