



Government Of Maharashtra

Office of the Director General of Police, Maharashtra State

Maharashtra State Police Headquarters, Shahid Bhagat Singh Marg, Colaba, Mumbai 400 001

No. DGP/24/34/POCSO-Circular/50/2025

Mumbai, Date :- 04/11/2025

**Subject :- Improvement of investigation and conviction in POCSO cases.**

### **Circular**

A number of POCSO cases gets registered in various police units, but overall conviction in these cases is not satisfactory. A detailed analysis of a large number of POCSO judgments have been done and following common pattern has emerged that will help in improvement of investigation and conviction in POCSO cases.

#### **1. Prompt and Consistent FIRs**

In nearly all cases where conviction was given, the First Information Reports (FIRs) were filed promptly. Delays, if any, were explained (e.g., fear, shame, or social pressure). Consistency between FIR statements and subsequent depositions helped bolster the prosecution.

#### **2. Testimony of Victim Treated as Substantive Evidence**

The victim's testimony was treated as substantive and sufficient for conviction. Courts emphasized that the victim's statement did not need corroboration, unless serious inconsistencies or motives for false implication were evident. In several cases, the court accepted the victim's emotional narration as truthful and coherent.

#### **3. Medical evidence supported Testimony**

Medical officers confirmed injuries or signs consistent with the allegations (e.g., vaginal injuries, torn hymen, scratch marks, etc.).

In some cases, lack of injury was not fatal, especially if the delay in medical examination was explained or the act didn't cause visible injury. Medical findings matching the victim's narration (e.g., abrasions, torn clothes), reinforcing credibility of prosecution.

#### **4. Forensic and Documentary Evidence Strengthened the Case**

Courts consistently relied on FSL (Forensic Science Laboratory) reports, especially in DNA-matching, semen stains, or blood group identification. Birth certificates and school records were used to prove minority of the victim. Electronic records (e.g., phone call logs, photos, WhatsApp chats — if submitted) were admitted and evaluated under Section 65-B of the Indian Evidence Act.

#### **5. Independent Witness Testimony Was Present and Credible**

In several cases, witnesses, relatives, or neighbors corroborated events, such as seeing the accused fleeing or the victim being distressed. Their testimony added external credibility to the victim's account.

#### **6. Statement under Section 183 BNSS Was Crucial**

Magistrate-recorded statements under Section 183 BNSS played a vital role, especially when they matched with in-court testimony. Courts viewed these as independent and voluntary, adding legal weight.

#### **7. Accused Failed to Rebut Prosecution**

In many cases, the accused either did not lead a defense, or gave a weak, generic denials. Their attempts to create doubts (e.g., false implication due to enmity or love affair) lacked evidentiary support.

Courts noted that the defense failed to discharge the burden under Section 29 of the POCSO Act (statutory presumption against the accused).



### **8. Judicial Language Emphasized Protection of Victims**

Courts repeatedly cited the social and psychological harm to victims, especially in incest and child rape cases. Courts often used strong moral language to reinforce the gravity of the crime (e.g., calling the act “depraved”, “heinous”, or “shameful”).

### **9. Minor Procedural Lapses Did Not Derail Conviction**

Errors like missing dates, minor inconsistencies in time or clothes worn by the victim, or typographical issues in evidence were held to be non-fatal. Courts reiterated the “substance over form” principle, provided the core prosecution case remained consistent and credible.

### **10. Victim’s Virtue Evidence or Victim’s character is irrelevant.**

Past character of the victim does not become any obstruction in conviction, if adequate evidence is produced before the court in the case in question.

All unit commanders shall brief their IOs and supervisory officers to follow above guidelines during investigation of POCSO cases that will strengthen the investigation. These guidelines are purely for the purpose of guidance to investigation officers in the police department.



**( Rashmi Shukla)**

Director General of Police  
Maharashtra State

To,

All Commissioners of Police  
All Range Inspectors General of Police.  
All Range Deputy Inspectors General of Police.  
All Superintendents of Police

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