

CASE LAW UPDATES

# Case Brief: State of Himachal Pradesh v. Hukum Chand alias Monu

Julie Nigam · 27 Oct 2026

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**Citation:** 2026 INSC 290

**Date of judgment:** 24 March 2026

**Bench:** Justice Sanjay Karol and Justice Nongmeikapam Kotiswar Singh

**Relevant provisions:** Section [376](#), Section [201](#) and Section [228-A](#) IPC, [Section 3\(xii\)](#) of the [SC/ST \(Prevention of Atrocities\) Act, 1989](#)

Have you ever thought about how much weight a child's testimony can carry in a criminal trial? Can a conviction for rape be overturned because the child or her family made small mistakes while describing the incident? In [State of Himachal Pradesh v. Hukum Chand alias Monu](#), the Supreme Court answered these questions while restoring the conviction of the accused.

The Court held that a child's evidence cannot be rejected for normal memory lapses if the central story remains trustworthy. It also criticised disclosure of the victim's identity and directed strict compliance with [Section 228-A](#) IPC.

## Facts of the Case

1. On 27 August 2007, a nine-year-old girl was sent by her mother to fetch buttermilk from a nearby house.
2. While returning, the neighbour's son, Hukum Chand alias Monu, allegedly took her into a cowshed and sexually assaulted her.
3. After reaching home, the child told her mother and later her father about the incident. Her bloodstained clothes were handed to the police and she was medically examined.
4. The prosecution's case rested on the testimony of the child, statements by her parents and other witnesses and medical evidence showing injuries consistent with sexual assault.
5. The accused was charged under [Sections 376](#) and [201](#) IPC and Section 3(xii) of the [SC/ST Act](#).

## Procedural History

The Sessions Court convicted Hukum Chand under [Section 376](#) IPC and the SC/ST Act, while acquitting him under [Section 201](#) IPC. It imposed ten years' rigorous imprisonment and a Rs. 10,000 fine for rape, and five years' rigorous imprisonment with a Rs. 10,000 fine under the [SC/ST Act](#).

The Himachal Pradesh High Court acquitted him on 3 June 2014. It relied on differences in the witnesses' statements, the alleged 16-kilometre journey within two hours, an earlier family quarrel, delay in the FIR and later addition of some charges.

The State challenged the acquittal before the Supreme Court under [Article 136](#) of the Constitution.

## Issues Before the Supreme Court

1. Whether the High Court was justified in overturning the trial court's conviction and acquitting the accused.
2. Whether minor contradictions and omissions in the statements of the child and other witnesses destroyed the prosecution case.
3. Whether a credible child victim's testimony can support a conviction without independent corroboration.
4. Whether the medical evidence supported or contradicted the child's account.
5. Whether the identity of the sexual-offence victim had been disclosed in breach of [Section 228-A](#) IPC.

## Arguments of the Parties

The State argued that the High Court had overvalued peripheral discrepancies. Also, the child consistently identified the accused, and her account was supported by witnesses, bloodstained clothes and medical evidence. It also stated that the travel-time calculation could not disprove the assault.

The accused relied on the delay, family dispute, differences in reporting and later addition of charges, and argued that medical evidence alone could not prove the offence.

## Judgment of the Supreme Court

The Supreme Court allowed the appeal, set aside the High Court's acquittal and restored the trial court's conviction. It directed Hukum Chand to surrender and serve the remaining sentence.

### 1. Limited but real interference with an acquittal

The Court said that interference with an acquittal is normally limited, but is permitted when the lower court misreads evidence, applies an incorrect legal principle or reaches a perverse conclusion. Since the trial court and High Court had reached opposite findings, the Supreme Court examined the record and found that the High Court had focused on minor variations and a speculative calculation.

### 2. Principles relating to Child Witnesses

The Court referred to *State of Rajasthan v. Chatra* and earlier decisions on child testimony. It laid down the following practical principles:

- There is no fixed age-based rule for deciding whether a child is competent to testify.
- The trial judge must examine the child's intelligence, manner and ability to understand the difference between truth and falsehood.
- The absence of an oath does not automatically make the child's evidence unusable.
- The court must remain alert to the possibility of tutoring or influence.
- Corroboration is a matter of practical caution, not an inflexible legal requirement.
- If the child's evidence is believable and she survives cross-examination, a conviction can be based only on her evidence.

The Court found that the child had clearly identified the accused and had been consistently narrating the story of being taken to the cowshed and assaulted. Even her evidence on the main facts remained firm in cross-examination.

### 3. Minor discrepancies do not destroy credible evidence

Human memory and narration are imperfect. The Court distinguished minor discrepancies from material contradictions that affect the backbone of the case. The High Court's concern that the

child travelled 16 kilometres in two hours was speculative; even doubtful travel time did not disprove the assault. Criminal trials do not require mathematical precision in peripheral timelines. The alleged family hostility was also a double-edged circumstance and, by itself, could not discredit credible evidence.

#### **4. Medical evidence supported the child's testimony**

The medical examination recorded injuries, a torn hymen and human blood on the child's clothes. Medical evidence is expert, generally corroborative rather than conclusive. Here it supported the child's account, so the High Court erred in dismissing it based on speculative timing concerns. A trustworthy rape victim's testimony can itself sustain conviction; corroboration is prudence, not a legal requirement.

#### **5. Protection of the victim's identity**

The Court strongly criticised the repeated use of the child's name. [Section 228-A](#) IPC protects victims from stigma and further harm by prohibiting disclosure of their identity. The judgment was sent to all High Courts with a direction to implement the provision in pending as well as future cases.

### **Ratio Decidendi**

The ratio of the case is that minor inconsistencies, normal memory lapses or speculative doubts about peripheral details cannot defeat a prosecution when the core testimony of a child victim is clear, credible and withstands cross-examination.

A child's testimony may alone support a conviction if the trial judge finds the child competent and the evidence reliable. It is important to note that 'Corroboration is a matter of prudence, not a mandatory rule.' Medical evidence is corroborative and must be assessed together with the oral testimony. Therefore an appellate court can only interfere with an acquittal when it is based on a serious misreading of evidence or an unreasonable focus on trivial discrepancies.

### **Why it is important for CLAT PG Students**

This case is useful for criminal evidence, appellate powers, sexual-offence law and victim rights. It shows the difference between material contradictions and minor discrepancies. It does not mean

that every child's statement is automatically accepted, rather it means the court must test competence, tutoring, consistency on material facts and cross-examination. It rejects only an automatic demand for corroboration.

It is therefore important to remember for CLAT PG students minor differences are not material contradictions, a credible child witness is enough.