



POCSO S. 3 (a), 4 - Victim girl a minor about 16 years of age - Looking into the physical and mental development of an adolescent of that age group, would consider it logical that such a person is capable of making conscious decision as regard his or her well-being as to the actual act of sexual intercourse - No mens rea

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JOHN FRANKLIN SHYLLA v. STATE OF MEGHALAYA. (2023-2)210 PLRIJ 014

POCSO Act, 2012, where the alleged victim was a [minor](#) of about 16 years of age. The act defines penetrative sexual assault under Section 3 and provides punishment under Section 4. The act also presumes the presence of mens rea in any prosecution for an offense that requires a culpable mental state on the part of the accused. Looking into the physical and mental development of an adolescent of that age group, would consider it logical that such a person is capable of making conscious decision as regard his or her well-being as to the actual act of sexual intercourse. However, the [evidence](#) of the alleged victim suggests that there was no force involved in the sexual act, and prima facie, it appears that there is no mens rea involved. Therefore, the proceeding of the case before the Trial Court would serve no purpose in the peculiar facts and circumstances.

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