

Dahod schoolgirl death: Court acquits school principal of rape and murder, sentences him to 10-year rigorous imprisonment for culpable homicide

Special Public Prosecutor confirmed that the state government is preparing to appeal against the “unexpected” court order.

A Special POCSO Sessions Court in Dahod, on Wednesday, acquitted the school principal of murder and rape charges while convicting and sentencing him to 10 years of rigorous imprisonment for culpable homicide not amounting to murder, illegal confinement and destruction of evidence involving the six-year-old Class 1 tribal student, whose body was found in the backyard of her government primary school in the district on September 19 last year.

Special Public Prosecutor Amit Nair confirmed to The Indian Express that the state government is preparing to appeal against the “unexpected” court order.

On Wednesday, the Special POCSO Court of Additional Sessions Judge HH Thakkar in Dahod acquitted the 56-year-old accused of charges under Sections [64(2) (f)] (rape by a guardian or teacher), 65(2) (rape on a woman under 12 years of age), 66 (punishment for causing death of victim of rape) as well as under the Protection of Children from Sexual Offences Act while convicting him for charges under Sections 238 (causing disappearance of evidence of offence), 127(2) (wrongful confinement) and Section 105 for culpable homicide not amounting to murder of the Bharatiya Nyaya Sanhita, instead of Section 103(1) (murder), which was the prosecution’s case.

While the police and the prosecution await the detailed order of the court, Special Public Prosecutor, Amit Nair, appointed by the state government, who had demanded capital punishment in the case arguing on the principles of rarest of rare case said that the verdict was “unexpected” and the state was preparing to appeal against the acquittal of the accused under the POCSO Act.

Nair told The Indian Express, “It is an unexpected judgment, especially since the submissions were made for rarest of rare cases, putting forth detailed and cogent forensic and medical evidence. The post-mortem report categorically stated the cause of death to be due to smothering (as part of the attempted sexual assault); the last seen with theory, the witnesses in the case — none of whom turned hostile... We also submitted before the court the aspect that the accused is the topmost authority being the principal of the school while the victim was a defenceless six-year-old student..”

Nair added, “We (the state) will challenge the order on all the points. When the order is available, we will file an appeal against it.”

The court, while handing out 10 years’ rigorous imprisonment in the case, also slapped a fine of Rs 2.10 lakh on the accused, to be paid to the victim’s father. Defence lawyer AR Chauhan told the court that the forensic evidence put forth by the prosecution were “inconclusive”. Chauhan said, “The sections of POCSO were added by the police later in the case. The forensic reports did not offer any conclusive evidence and was in favour of the accused, which is why the court has convicted for an act of negligence that caused death, not amounting to murder. The sentence is the maximum punishment under the section.”

31 prosecution witnesses examined

A total of 31 prosecution witnesses were examined in the case, including child witnesses as well as teachers and other eyewitnesses in the case, who had last seen the victim with the accused. The 1700-page chargesheet, filed by the Dahod Police within 12 days of the crime, had emphasised on the forensic evidence collected in the case, which was also the first to include 'Touch DNA' or the rare Epithelial Cell DNA profiling as well as Forensic Vehicle analysis to tighten the case against the accused.

The police had relied heavily on Epithelial Cell DNA testing to extract evidence from the accused's car, in which the alleged crime occurred although the accused allegedly attempted to destroy evidence by sending his vehicle for a wash to Godhra. A state government release in October 2024 had also emphasised on the scientific technologies used in the case, including digital evidence, forensic DNA analysis, and forensic biological analysis, forensic chemistry, forensic vehicle analysis, forensic toxicology, forensic voice spectrography were used in the case investigation.

It was on the evening of September 19 that the victim's family had found her body in the backyard of her primary school in the district, after launching a frantic hunt when the girl did not return from school. During the police probe, the family had informed the cops that the victim's mother had sent the girl in the accused principal's car on her way to school that morning. The principal was arrested on September 22 for alleged rape and murder of the victim.