



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving Judgment: 11th May, 2026

Date of Decision: 7th July, 2026

IN THE MATTER OF:

+ CRL.A. 749/2007

RAVI CHAUHAN

.....Appellant

Through: Mr. Saurabh Upadhyay, Mr. Amit Upadhyay and Ms. Risha Gautam, Advs.

versus

STATE N.C.T. OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State. Ms. Gayatri Nandwani, Ms. Mudita Sharda and Ms. Adrian Abbi, Advs. for prosecutrix.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. The chance acquaintance which took off on account of common interest of having a pet i.e. Dog, later on developed into a friendship between the Appellant herein and the prosecutrix. It all started in the year 2000, in a different context and on a different note, but ultimately, culminated into an FIR bearing registration No. 285/2003, registered at Police Station Janak Puri, under Section 376/506 of Indian Penal Code, 1860 ('IPC').

2. As per the contents of the complaint, the victim, who was around 14-15 years of age, was raped by the Appellant on multiple occasions during a



period of three years or so, so much so that she had to undergo two abortions. It was complained by the prosecutrix that the Appellant took advantage of her vulnerability in the shape of tender age, her father being hospitalised initially and paralysed ultimately coupled with the threat and violence used by the Appellant to harm her, and her siblings. Under these circumstances, the ordeal of the victim continued from early part of 2000 till February, 2003. Ultimately, the victim couldn't withstand all this and mustered the courage to share it with her mother, whose attempts to lodge an FIR proved futile and thus, an NGO was approached and thereafter, the instant case was registered on the intervention and cudgels taken by the said NGO, Human Rights Law Network (HRLN).

3. The Appellant was arrested and the chargesheet was filed under Section 376/506/323 IPC. On the basis of the allegations in the chargesheet, charge under Section 376/323/506 IPC was framed on 01.03.2004. The trial, which traversed through the examination of witnesses including the prosecutrix and her mother, resulted into conviction of the Appellant under Section 376 IPC, as the explanations in the statement under Section 313 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') and the defence put forth were not found convincing by the learned Trial Court. The Appellant through the impugned judgment dated 31.10.2007 was convicted as referred above and through the Order on Sentence dated 03.11.2007, punished to undergo Rigorous Imprisonment ('RI') for seven years with fine of ₹ 10,000/- and in default of payment of fine, Simple Imprisonment ('SI') for six months was awarded.

4. Assailing the aforesaid judgment of conviction and sentence, learned counsel for the Appellant has come up with the plea that there is an unexplained, inordinate and considerable delay in registration of the FIR,



which indicates that it was lodged after due deliberation, planning and pre-meditation and at the instance of the NGO. The alleged incident of rape, according to the prosecutrix started in the early part of the year 2000, but the FIR came to be registered on 17.05.2003 after more than 3 years. It is submitted that there is no explanation for this huge delay. Whatever meek explanations have been put forth are nothing but a ploy to wriggle out of the situation, give some amount of credence to the FIR and explain the delay.

5. In these kinds of offences, especially when the victim is a minor and has been placed in such a situation where her father is under medical treatment for a considerable time and ultimately gets paralysed, together with social pressures etc. All these act as a big deterrent. However, in the instant case, the prosecutrix has categorically stated in her statement that she was not only constrained by her father's condition but was threatened and assaulted as well by the Appellant. The age gap between the Appellant and the prosecutrix is considerable, that is, about 14 years. At the relevant time the victim was about 14 years of age and the Appellant was 28 years of age. Thus, he was in a position to dominate the victim, who otherwise out of fear, shame and the vulnerable position of the family more particularly of her father became further vulnerable and could not share her ordeal at the hands of the Appellant with anyone and silently suffered two pregnancies and abortions. Thereafter, certain gynaecological problems, as has come in the testimony of PW-4 Dr. Jyoti Arora also, persuaded her to muster the courage to share it with her mother. Therefore, in such circumstances, the aspect of delay loses significance especially when the Appellant is unable to even put forth what prejudice was caused to him by this delay.

6. The delay in registration of the FIR, as has been argued by the learned counsel for the Appellant takes into account the first incident in the early



part of 2000, but he has conveniently ignored that the last incident which, according to the prosecutrix was somewhere in February, 2003. The time is required to be looked into from the last incident, which was somewhere in the early part of the year 2003. As such when the time/gap is taken into consideration from the last incident of rape and then there is barely any delay. In any case, learned counsel for the Appellant has not been able to point out as to what prejudice, if any, has been caused to the Appellant on account of the so called delay in registration of the FIR. As such, this contention, being devoid of merit and strength, is brushed aside.

7. The contention that the NGO was roped in and that took up cudgels on behalf of the prosecutrix by trumping up and inflating the contents of the complaint and the FIR. However, the sum and substance of the allegations remain unaltered, therefore, even if the NGO was involved, which in itself cannot be taken against the prosecutrix. As such, neither the aspect of delay in registration of FIR and the FIR being exaggerated or lodged under some guidance, is not going to help the Appellant in any manner.

8. Learned counsel for the Appellant has vehemently argued that the prosecutrix was major and therefore, her continued silence after such an act as alleged against the Appellant, indicates something else. In this context, learned counsel for the Appellant has drawn the attention of the Court to the testimony of the mother of the victim and attempted to derive an inference, which may indicate that the prosecutrix was a major when the alleged incident took place. As regards the age, the guiding principle is under Section 94 of the Juvenile Justice Act, 2015, which are almost akin to Rule 12 of Juvenile Justice Rules, 2007 which provides as under:-

“Section 94. Presumption and determination of age.



(1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—

- (i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;
- (ii) the birth certificate given by a corporation or a municipal authority or a panchayat
- (iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.”

9. However, in a recent judgment Hon’ble Supreme Court has fallen back on Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 qua age determination in **K.P. Kirankumar @ Kiran vs. State by Peenaya Police** CrI. Appeal No.5614/2025 arising out of SLP (CrI.) No. 11287/2025 dated 19.12. 2025, the observation made in **Jarnail Singh v. State of Haryana**, 2013 SCC OnLine SC 507, were relied upon which go as under:

“23. Even though Rule 12 is strictly applicable only to determine the age of a child in conflict with law, we are of the view that the aforesaid statutory provision should be the basis for determining age, even of a child who is a victim of crime. For, in our view, there is hardly any difference insofar as the issue of minority is concerned, between a child in conflict with law, and a child who is a victim of



crime. Therefore, in our considered opinion, it would be just and appropriate to apply Rule 12 of the 2007 Rules, to determine the age of the prosecutrix VW, PW 6. The manner of determining age conclusively has been expressed in sub-rule (3) of Rule 12 extracted above. Under the aforesaid provision, the age of a child is ascertained by adopting the first available basis out of a number of options postulated in Rule 12(3). If, in the scheme of options under Rule 12(3), an option is expressed in a preceding clause, it has overriding effect over an option expressed in a subsequent clause. The highest rated option available would conclusively determine the age of a minor. In the scheme of Rule 12(3), matriculation (or equivalent) certificate of the child concerned is the highest rated option. In case, the said certificate is available, no other evidence can be relied upon. Only in the absence of the said certificate, Rule 12(3) envisages consideration of the date of birth entered in the school first attended by the child. In case such an entry of date of birth is available, the date of birth depicted therein is liable to be treated as final and conclusive, and no other material is to be relied upon. Only in the absence of such entry, Rule 12(3) postulates reliance on a birth certificate issued by a corporation or a municipal authority or a panchayat. Yet again, if such a certificate is available, then no other material whatsoever is to be taken into consideration for determining the age of the child concerned, as the said certificate would conclusively determine the age of the child. It is only in the absence of any of the aforesaid, that Rule 12(3) postulates the determination of age of the child concerned, on the basis of medical opinion.”

The above statutory provision clearly points out as to how age of a juvenile is required to be determined and that the aspect of age of the victim can also be ascertained on these parameters.

10. In the instant case, the document Mark 11/A i.e. Marksheet of 10th standard of the prosecutrix spells out her date of birth too. According to the aforesaid provision and discussion in the preceding para, the document on top priority is the matriculation document and according to that the date of birth of the prosecutrix is 22.08.1985. If the age of the prosecutrix is worked out on the basis of said date of birth, then she was not even 15 years of age at the relevant time in January, 2000 as she would have completed her 15



years on 21.08.2000. In view of this conclusive evidence, there is no need to look any further to determine the age of the prosecutrix. She was a minor at the relevant time and for that matter remained so till the last incident of her physical abuse by the Appellant in the early part of the year 2003.

11. So even if it is presumed that she did not resist or oppose or protest the misdeeds of the Appellant, still it would not help the Appellant in any manner. Although, the prosecutrix has categorically stated that physical relations were made by the Appellant against her will, under threat and coercion.

12. Learned counsel for the Appellant has further contended that certain documents were introduced by the prosecutrix during evidence and those documents cannot be taken into account. Incidentally, the documents relate to two abortions undergone by the prosecutrix in which names of the prosecutrix and Appellant have been changed. They went to the Doctor under assumed names, inasmuch as, in the first abortion, the Appellant and the prosecutrix, according to the version of the prosecutrix, represented themselves as Preeti and Rajesh, whereas in the second abortion, the prosecutrix assumed her name as Usha Chauhan. Existence of these documents, in a way, give credence to the version of the prosecutrix otherwise where was the occasion with her to be aware of these documents if they did not relate to her. In this context, testimony of PW-4 Dr. Jyoti Arora comes into play as she has issued a certificate Ex.PW-4/A in which she has categorically stated that the original documents were handed over to the so called Preeti. The contention of the Appellant that documents of some other female have been introduced to gain undue advantage and prejudice the system against the Appellant, is not tenable. How come the prosecutrix was able to lay her hands on such documents. How she was aware that someone



by some particular names went to a particular clinic/doctor with the issue of abortion, unless she herself was there.

Incidentally, statement of PW-4 Dr. Jyoti Arora further lends credence to the case of the prosecution as it has been stated by PW-4 that the prosecutrix came to her for further treatment due to some vaginal infection on 16.08.2002. The prosecutrix further visited Dr. Jyoti Arora on 11.10.2002 with the complaint of irregular and prolonged periods especially after the Medical Termination of Pregnancy ('MTP'). She was given treatment after the examination. The prosecutrix again went to PW-4 Dr. Jyoti Arora on 11.02.2003 with the complaint of pain in lower abdomen and passage of black spots 3 to 4 days after periods. She was advised ultrasound examination. PW-4 Dr. Jyoti Arora has further endorsed the fact, deposed by the prsoscutrix, about the photocopy Mark A-10 as the prosecutrix went to her on 24.02.2003 with the ultrasound report and accordingly treatment was given to her. The prosecutrix again visited PW-4 Dr. Jyoti Arora on 05.04.2003 with the same complaint. PW-4 has further stated in her statement that she can identify the so called Usha Chauhan, if she is before her. Evidently, she is deposing correctly as she has reasons to say so inasmuch as the prosecutrix under the assumed name i.e. Usha Chauhan visited her on a number of occasions, whereas she has expressed her inability to identify the Appellant, which also seems to be correct inasmuch as he seemingly visited only once, if at all, what has been deposed by prosecutrix is correct. This further indicates that the witness i.e. PW-4 is deposing correctly, as such her testimony cannot be ignored, nor for that matter of the prosecutrix in this context at least.

13. If this aspect is read conjointly with the testimony of the prosecutrix, then the credibility to the testimony of the prosecutrix can be very well



attached. The conduct, manner and demeanour of the prosecutrix has been noted by the learned Trial Court as she, while under cross examination cried on a number of occasions and at one point of time, the cross examination was deferred as she was feeling giddy. The prosecutrix has referred her gynaecological problems as the reason why she was feeling giddy. It seems to be a correct deposition in view of documents brought by her and what has been deposed by PW-4 Dr. Jyoti Arora. The problems of the victim persisted till at least 05.04.2003 and she came to depose before the Court on 12.04.2004, 16.04.2004, 19.04.2004 which was concluded on 13.07.2004. She was seemingly, still afflicted by and was suffering from the aftermath of the abortion and the problems arising out of those abortions. All this weave a ring of truth around the deposition of the prosecutrix.

14. The contention on behalf of the learned counsel for the Appellant that the documents referred above i.e. Mark A-1 to Mark 11-B have not been proved in terms of the Evidence Act, therefore, cannot be looked into. On the face of it, the contention seems to be correct, but when it is read in the totality of facts and circumstances, especially in view of the deposition of PW-4 Dr. Jyoti Arora, then these documents cannot be ignored altogether. In any case, even if these documents are ignored, they are not going to affect the case of the prosecutrix inasmuch as these medical documents are part of narrative, but do not have any scientific evidence or inference on record. Despite two abortions, there is no DNA sample or blood sample, which may connect the Appellant with the status and situation of the prosecutrix. Thus, these documents have a limited value in support of the narrative of the prosecutrix.

15. The next contention put forth on behalf of the Appellant is that the testimony of the victim is full of contradictions and improvements. Two



aspects have been highlighted by the learned counsel for the Appellant about the first alleged incident of rape and the two pregnancies. Learned counsel for the Appellant attempted to portray that the prosecutrix is untrustworthy since she has three versions about the first alleged rape in her three statements. In complaint, it was 31.07.2000, in statement under Section 164 Cr.P.C., it is January 2000 and in her examination-in-chief, it was May 2000. However, these are immaterial contradictions in view of the repeated rape, it was nothing very pleasant to meticulously note and remember dates about rape by the prosecutrix. Her examination before Court took place after about a gap of about four years, so a slip here or there is not unusual or detrimental. Then she is unsure in her statement under Section 164 Cr.P.C., since she used the word '*shaayad*' (probably). So is the case qua abortion. Indeed it was not only unpleasant but painful in more than one way, thus, even if she fails to exactly pin point the date is not detrimental to her cause, and on such, the Appellant cannot take any advantage out of it, being not available.

16. Evidently, the kind of contradictions mentioned as above is not potent enough to dislodge the case of the prosecution. The contradictions are bound to be there due to the limitation of human mind, memory, individual style of narration etc. and rather an integral part of reiteration of events by a normal human being. Thus, those contradictions only which go to root of the matter, can be given some weightage. As such, testimony of the prosecutrix can be treated as that of sterling quality, potent solely to bind the Appellant with the offence committed by him. Reference in this context can be made from the judgement titled as ***State of Punjab v. Gurmit Singh***, (1996) 2 SCC 384, wherein Hon'ble Supreme Court held as under:

'8. ... The courts must, while evaluating evidence, remain alive to



the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. ... seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. ... Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances...

21. ... The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations.'

17. It is also contended on behalf of the Appellant that he has been falsely implicated in this case, but then no reason has been assigned as to why such sort of false implication is there, if at all it was. It is rather attempted to portray that the prosecutrix and her mother wanted to extort a sum of ₹ 5 lacs and that is why, they visited the Appellant, at least on two occasions in prison. This fact has been admitted by the mother and victim both examined as PW3 and PW-1 respectively that they did visit the Appellant in the jail. Incidentally, the prosecutrix went for the third time too. Apparently, they did not try to hide the same. Although, no explanation has been assigned as to why and what for they had visited the Appellant in the jail.



18. Given the background of the case, it can be easily assumed that they wanted to talk something about what transpired between the Appellant and the prosecutrix who claimed that she was not aware of the marriage of the Appellant till the lodging of FIR. It was the IO, who disclosed this fact to the prosecutrix after the registration of FIR. It is all in the realm of conjectures and surmise as to why they visited to meet the Appellant in the jail. Learned counsel for the Appellant has also not tried to extract the reason of their visit nor the victim or her mother have come forward of their own to tell anything about their visit except accepting it. This in itself is not sufficient to disbelieve the victim.

19. Then there appears no reason of false implication and why the Appellant has been singled out if at all any attempt has been made to falsely implicate him. There is no plausible reason put forth by the Appellant. It is not denied that the Appellant was residing in the neighbourhood, nor it is denied that both, the Appellant and the victim used to take their dogs in the park and that they met there for the first time. There is no cross-examination on these aspects. As such the narrative of the prosecutrix is to be believed.

20. The contention that there is no independent witness to the incident is too flimsy to be taken into consideration inasmuch as these type of offences do not have eye or independent witnesses. Therefore, in these circumstances, the plea put forth on behalf of the Appellant that his statement under Section 313 Cr.P.C. should be believed and in view of the plea taken by him, he should be given benefit of doubt is nothing but a mere assertion without any substance.

21. What emerges on record is that a 14 year old girl was, in a way lured and then forced into sexual intercourse by the Appellant who was double her age, for which he used force, threat and coercion, etc. The prosecutrix



seemingly submitted to rape due to her tender age, fear emerging out of the threats, the vulnerability of her family conditions as when it all started, her father was admitted in Ganga Ram Hospital and subsequently, her father got paralysed and was bedridden. In such circumstances, the prosecutrix found herself helpless and out of fear, shame and vulnerability, did not report the matter to anyone and when the things went beyond limit, when she had undergone two abortions and certain medical complications due to abortion, she confided with her mother.

22. The contentions raised on behalf of the Appellant do not have any substance. The testimony of the victim alone is sufficient to bring home the case, as has been held in ***State of H.P. v. Raghubir Singh***, (1993) 2 SCC 622 inasmuch the testimony of the prosecutrix is above board being consistent in substance in her statement under Section 164 Cr.P.C. and before the Court, so far as the sum and substance of the matter is concerned. Therefore, the conclusion arrived at by the learned Trial Court, being in consonance with the facts and law, is not required to be disturbed. As a result, the judgment of conviction is upheld.

23. On the aspect of sentence what was argued before learned Trial Court, remains unaltered, that Appellant has family responsibilities, including that of his two daughters. Additionally, another fact has been put forth that he has undergone the trauma of a criminal trial/proceedings for more than two decades. However, these aspects, in itself, are not sufficient to give any indulgence to the Appellant. Therefore, in these circumstances, the Order on Sentence also is maintained.

24. In view of the foregoing discussion, the appeal in its entirety stands dismissed. The Appellant is called upon to surrender forthwith in order to undergo the remaining sentence. He shall be entitled to the benefit of set off



under Section 428 Cr.P.C.

25. Appeal stands disposed of accordingly.

26. Copy of the judgment be transmitted to the learned Trial Court and the Prison Authorities for information and necessary compliance.

VIMAL KUMAR YADAV, J

JULY 07, 2026/akc/tng