

Criminal Revision No.1393 of 2015 (O & M)

Date of Decision: April 23, 2015

Keshav & others

..... PETITIONERS

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

. . .

PRESENT: - Mr. Jangvir Singh Hooda, Advocate, for the
petitioners.

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Jaspal Singh, J

1. Instant revision petition has been preferred by
Keshav @ Rinku, Praveen and Rohit, feeling dis-satisfied
against order dated February 24, 2015 whereby an appeal under
Section 52 read with Section 12 of Juvenile Justice (Care &
Protection of Children) Act, 2000, was dismissed upholding the
order of Principal Magistrate, Juvenile Justice Board, Palwal.

2. Challenging impugned judgments/orders, it has been inter-alia contended by learned counsel for petitioners that revisionists – petitioners are juveniles-in-conflict with law and FIR No.86 dated May 23, 2014 under Sections 376, 506, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, Police Station, Hassanpur, District Palwal, has been registered against them on flimsy grounds.

3. It has been alleged in FIR that prosecutrix (minor girl) was called a number of occasions by revisionists – petitioners and subjected to copulation/ rape. The contention of learned counsel for petitioner is that firstly, it is difficult to believe such a version; secondly, petitioners are in custody since May 24, 2014; and thirdly, all the material witnesses have already been examined who have not supported the case of prosecution. Disposal of proceedings would also take sufficient long time. Thus, petitioners deserve concession of bail by acceptance of instant revision petition and setting aside impugned judgments/orders.

4. This Court has considered aforesaid submissions made by learned counsel and perused the pleadings as well as documents available on file.

5. Prosecutrix in this case is a minor girl of 16 years who has been repeatedly raped by petitioners. She became pregnant and ultimately, gave birth to a child. Here it would be pertinent to mention that blood samples of revisionists – petitioners as well as that of child have already been sent to Forensic Science Laboratory, Madhuban, for conducting Deoxyribonucleic Acid (DNA) test, the report of which has not so far been received and is still awaited.

6. Allegations against petitioners are of serious and grave nature, and have repercussions on the society as a whole. In such circumstances, petitioners do not deserve any leniency. Accordingly, revision petition is dismissed.

April 23, 2015
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(Jaspal Singh)
Judge