

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No. 2565 of 2016 (O&M)

Date of decision: 22.07.2016

Vicky @ Jai Bhagwan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. APS Sandhu, Advocate for
Mr. Gaurav Singla, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

By filing the present criminal revision, the petitioner has assailed the judgment of conviction and order of sentence dated 14.01.2015, passed by the Juvenile Justice Board, Rohtak and judgment dated 27.11.2015, passed by learned Addl. Sessions Judge, Rohtak, whereby the petitioner/accused was ordered to be sent to Special Home for a period of one year for commission of offence under Section 377 IPC and Section 4 of Protection of Children from the Sexual Offences Act, 2012.

It is contended that both the Courts below erred in ignoring the material facts and mandatory provisions of law. The learned counsel refers to the testimony of PW-14, Ajay, cousin of the complainant to state that as per the prosecution story, Ajay remained with him during all the process but while appearing in the witness box,

he denied all the facts of the prosecution. The learned counsel further states that there was no independent witness to the occurrence except the interested witnesses, therefore, the judgments of the Courts below are miscarriage of justice.

Heard.

Along with the revision, the petitioner has also filed CRM-21929 of 2016 for condonation of delay of 146 days in filing the revision petition on the ground that the petitioner is a poor person and was therefore unable to engage a counsel for a long time. Thereafter, the petitioner availed the services of Legal Aid Authority.

The stand taken by the petitioner appears to be after thought. This Court has reasons to believe that there is no sufficient cause to condone the delay. In view of the above, the application for condonation of delay, being devoid merits, is dismissed.

Even otherwise, the revision petition lacks merit. The FIR was registered on the statement of Sanjay, father of the victim, who while appearing as PW-9 had specifically reiterated the contents of complaint. Victim, Vinay, who is a student of 1st Class himself appeared in the witness box as PW-13 had narrated the sequence of incident. Thus, this Court finds no merit in the contention of learned counsel that there were contradictions in the statements of prosecution witnesses. The medical evidence on record also testified the commission of crime. The victim was six years of age at the time of

incident who was sexually abused by the present petitioner. Therefore, this Court feels that the view taken by both the Courts below is correct and in the facts and circumstances of the case, no other view is possible. There is no reason to interfere in the well reasoned judgments of the Courts below. Accordingly, the present criminal revision petition is dismissed being devoid of any force as well as being time barred.

22.07.2016

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(JITENDRA CHAUHAN)
JUDGE