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

DECIDED ON : 18th JANUARY, 2016

+ **CRL.REV.P. 154/2015**

STATE

..... Petitioner

Through : Mr.Amit Gupta, APP.

versus

SONU

..... Respondent

Through : None.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

1. Present revision petition has been filed by the State to challenge the legality of an order dated 28.11.2014 of learned Addl. Sessions Judge in Sessions Case No.178/2014 arising out of FIR No.309/2014 PS Kirti Nagar whereby the respondent was discharged. The revision petition is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file. Charge-sheet under Section 363 IPC was filed against

the respondent on the allegations that on 10.05.2014 he took the prosecutrix 'X' (assumed name) aged around 14 years out of the lawful guardianship of her parents. It is emphasized by the learned Addl. Public Prosecutor that the prosecutrix was aged around 14 years on the day of incident and her consent to accompany the accused without informing her parents was of no relevance.

3. The prosecutrix had recorded her statement under Section 164 Cr.P.C. on 20.05.2014. In the statement, the prosecutrix 'X' completely exonerated the accused and did not attribute or assign any overt act enticing or taking her out of the lawful guardianship of her parents. She merely stated that due to certain disputes with her mother, she had decided to leave the home. On the way, she had met the accused, her friend to whom she was known. She insisted him time and again to take her but he declined to do so. When he was put under pressure, he agreed. She did not state if any sexual assault was committed during her stay with the respondent.

4. Since there is no worthwhile evidence on record and the prosecutrix under 164 Cr.P.C. statement did not implicate the respondent, order dated 28.11.2014 of learned Addl. Sessions Judge discharging the accused under Section 363 Cr.P.C. cannot be faulted.

5. I find no merit in the revision petition and it is dismissed.
6. Trial Court record (if any) be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

JANUARY 18, 2016 / *tr*