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

DECIDED ON : 24th MAY, 2016

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CRL.REV.P.695/2015

STATE

..... Petitioner

Through : Mr.Amit Gupta, APP.

VERSUS

ROHIT

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

CRL.M.A.No.16087/2015

1. For the reasons mentioned in the application for condonation of delay, the delay in filing the revision petition is condoned.
2. The application stands disposed of.

CRL.REV.P.695/2015

1. Present revision petition has been filed by the State to challenge the legality and correctness of an order dated 07.05.2015 of learned Addl. Sessions Judge in case FIR No.515/2014 PS Karawal Nagar whereby show

cause notices were given to various police officers for non-compliance of Section 19 of the POCSO Act.

2. I have heard the learned Addl. Public Prosecutor and have examined the file. On perusal of the Trial Court record, it reveals that FIR No.515/2014 under Sections 354/354A/376/506/34 & Section 6 of POCSO Act PS Karawal Nagar was registered on the complaint of victim's sister Kranti informing that her sister 'X' (changed name) aged around 15 years was missing from the house since 15.06.2014. It is relevant to note that earlier also the victim had gone missing and an FIR No.326/2014 under Section 363 IPC was lodged at PS Karawal Nagar. The victim came back on the same day on her own and in her 164 Cr.P.C. statement, she disclosed that due to quarrel with her sister, she had gone to a nearby park. The said case was subsequently cancelled. The instant revision petition further reveals that after registration of the FIR No.515/2014, on 18.06.2014, the victim came to the police station on her own at around 10.00 p.m. and disclosed that she had gone to Haridwar as her sister Kranti used to beat her. The victim's elder sister Kranti and her father Rajender Singh declined to take her custody and she was kept in Sanskar Ashram. She declined to undergo internal medical examination. It further records that on 27.06.2014 after the custody of the victim was handed over to her father, she leveled allegations of rape. All the accused persons named in the FIR except Rohit have been granted anticipatory bail by this Court and they have been formally arrested. Accused Rohit was declared Proclaimed Offender and proceedings vide FIR No.1170/2014 under Section 174-A have been initiated against him.

3. Vide order dated 05.05.2015, the learned Addl. Sessions Judge directed SHO concerned to provide security to the victim's sister Kranti as she was being threatened by the accused persons. SHO PS Karawal Nagar was directed to provide a lady constable in her security during her visits to Delhi to attend Court cases or otherwise. He was further directed to send an action taken report before the Court on 07.05.2015. It reveals that on 07.05.2015 the concerned SHO did not appear before the Court. The learned Presiding Officer was informed by a constable / naib court that a lady constable has been deployed for the security of victim's sister. Learned Addl. Sessions Judge issued show-cause notices to all the police officers i.e. Joint Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police and the SHO PS Karawal Nagar as to why proper proceedings for violation of Section 19 POCSO Act be not initiated against them. Being aggrieved and dissatisfied with the directions, the instant revision petition has been filed.

4. On perusal of the Trial Court record, it transpires that on 13.05.2015, replies were filed on behalf of the concerned police officers.

5. Order dated 21.05.2015 records that a PSO namely Const.Savita had already been provided to the applicant. It was further informed that efforts were made to trace the victim as well as to apprehend the accused Rohit. The Court directed the concerned SHO to take rigorous steps to trace the victim and the accused. None appeared on behalf of the applicant Kranti, victim's sister, on 15.07.2015 and again on 19.08.2015. The application moved by her was finally dismissed for non-prosecution.

6. Apparently, due compliance was made by the concerned SHO whereby as per the directions in order dated 05.05.2015, a PSO namely

Const.Savita was made available to the victim's sister Kranti. It appears that subsequent to that, no further proceedings were initiated or taken up by the Trial Court against the concerned police officers under Section 19 of POCSO Act. Moreover, the application on which the impugn order was passed, has already been dismissed for non-prosecution. It seems that the victim's sister has no grievance whatsoever.

7. Considering the facts and circumstances of the case and the proceedings before the Trial Court, the impugned order whereby the concerned police officers were directed to submit show cause for non-compliance of the Section 19 POCSO are set aside.

8. Revision petition is allowed in the above terms.

9. Trial Court record be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

MAY 24, 2016 / tr