

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

CRR No.59 of 2017

Date of Decision: 26.04.2017

Sandeep

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.Surinder Dagar, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

The petitioner has come up in revision against the order dated 24.10.2016 and framing of charges under Sections 342 IPC and Section 4 of the POCSO Act.

Learned counsel for the petitioner has referred to the birth certificate of the prosecutrix (Annexure P-4) to show that her date of birth at the time of incident was 25.01.1998 and she was more than 18 years of age. Therefore, the offence under Section 4 of POCSO Act is not made out and the offence under Section 354B IPC is made out.

This petition is disposed of by giving direction to the trial Court to consider the birth certificate of the prosecutrix (Annexure P-4) at the time of final decision of the trial, if it is, duly proved in accordance with law.

Disposed of accordingly.

**(RITU BAHRI)
JUDGE**

26.04.2017

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<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>