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

+ CRL.L.P. 84/2017

STATE

..... Petitioner

Through Mr.Kewal Singh Ahuja, APP with
Insp.Harish Kumar, SHO and SI
Shailendra Kumar Singh, PS
Gokulpuri.

versus

PRAVEEN @ RAM LAL

..... Respondent

Through Mr.Umesh Shukla, Adv.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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11.05.2017

Arguments heard.

The present leave petition under Section 378 of the Cr.P.C. has been filed by the State for the grant of leave to appeal against the judgment dated 01.09.2016 passed by the Court below in Sessions Case FIR No.1263/2014, under Sections 354/354-B/354-D/451/506 IPC and 10 of the POCSO Act, Police Station Gokalpuri.

Vide judgment dated 01.09.2016, the accused/respondent has been acquitted by the trial court while observing that from the strength of the photographs and on the basis of admission by the victim that she used to go for outings with the accused, there remained no question of the accused attempted to contact her to posture personal interaction.

Perusal of record shows that the victim in the present case was examined as PW5. In her testimony, she deposed that accused used to harass and follow her wherever she used to go either to her school or for her tuitions. Accused used to say that he loved her and forced her to have friendship with him else he would kill her father. She also deposed that on 29.11.2014, accused came inside her house and insisted to have friendship with him.

During cross-examination by the defence counsel, the victim was seen to have made several material improvements in her statement under Section 164 Cr.P.C. and added many new facts. The victim denied having accompanied the accused to Akshardham Temple on 14.08.2014 or to Red Fort, Zoo and Cross River Mall on many occasions. When she was confronted with photographs, she admitted herself with accused in the said photographs. She even admitted that she had gone with the accused once or twice for site seeing and that the said photographs were taken at that time. She also admitted that she had gone to Vinayak Restaurant after the release of accused in the present case. The victim was confronted with photographs Ex.PW5/D-1 to D-6. After seeing the same, the victim admitted the same to be of her and accused.

From the perusal of statement of the victim, it is apparent that at one place she not only improved her statement but on the other hand, she mitigated the allegations herself. The photographs placed on record clearly show that the victim was known to the accused for quite some time the photographs show both of them happy while accompanying each other.

In view of the above mentioned facts and circumstances, this Court is of the considered opinion that the prosecution has failed to make out any ground for leave to file the appeal against the acquittal of the accused/respondent and the same is dismissed.

P.S.TEJI, J

MAY 11, 2017
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