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

DECIDED ON : JANUARY 09, 2017

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CRL.REV.P. 215/2012

STATE

... Petitioner

Through : Mr.Amit Gupta, APP.
Insp.Subhash Kumar, PS Sonia Vihar.

VERSUS

DAUD & ORS

..... Respondents

Through : Mr.Vishal Raj Sehijpal with
Ms.Astha, Advocates.

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

S.P.GARG, J. (ORAL)

1. Present Revision petition has been preferred by the State to challenge the legality and correctness of an order dated 7.12.2011 of learned Additional Sessions Judge, whereby respondent No.1 was discharged for commission of offence under Section 365 IPC and respondents No.2 to 4 were discharged under Section 506 (II) IPC. The revision petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the file. I find no material irregularity or illegality in the impugned

order whereby respondents were discharged for the offence under Section 365 IPC (R-1) and under Section 506(II) IPC (R-2 to R-4) in the absence of any cogent material on record. It is relevant to note that the victim 'X' (assumed name) was examined as PW-3 before the Trial Court. Her testimony as PW-3 has been placed on record. She did not utter a word to implicate the respondents in her court statement. Contrary to that, she stated before the court that she had accompanied Respondent-Daud willingly and physical relations with him were with her free consent. The prosecutrix was major on the day of occurrence.

3. The revision petition lacks merits and is dismissed.
4. Trial Court record (if any) be sent back forthwith.

(S.P.GARG)
JUDGE

JANUARY 09, 2017
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