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

+ CRL.A. 223/2018

THE STATE NCT OF DELHI

..... Appellant

Through: Mr. Rajat Katyal, APP
Mr. Bharat S. Kumar with Ms.
Avaantika Chawla, Ms. Ankita
Goswamy, Advocates for the minor
victim

versus

SUMIT KUMAR

..... Respondent

Through: Mr. Rohit Malik, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

25.10.2018

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The respondent convict has been produced from custody. We have heard Mr. Katyal, learned APP for State as well as learned counsel for the respondent on the aspect of sentencing. The respondent stands convicted for commission of the offence of aggravated penetrative sexual assault upon the prosecutrix, who was below 12 years of age at the relevant point of time. The minimum sentence prescribed by Section 6 of The Protection of Children from Sexual Offences Act (POCSO Act) 2012 for the offence of aggravated penetrative sexual assault is 10 years, which may extend to imprisonment for life with fine.

The latest nominal roll was called from the Jail Superintendant which shows that the convict has undergone 3 years 9 months and 19 days incarceration as on 15.12.2016. Since he was acquitted by the Trial Court on the said date, he was released from custody on the said date. The

nominal roll shows that there are no other involvements of the convict. He is 26 years of age and was around 21 years old at the time of the commission of the offence in the year 2013.

Keeping in view the aforesaid circumstances, we sentence the respondent to 10 years of rigorous imprisonment with fine of Rs. 10,000/-. In case, he fails to deposit the fine, he shall undergo simple imprisonment for a period of 6 months. He shall be entitled to benefit of the period already undergone.

We grant compensation to the prosecutrix under Rule 7 of the Protection of Children from Sexual Offences Rules, 2012 to be paid from the victim's compensation fund, or such other scheme or fund as may have been established by the State for the purpose of compensating and rehabilitating victims under Section 357 A of Cr.P.C.

The quantum of compensation payable to the prosecutrix shall be determined by the DSLSA.

The Trial Court record be sent back by the Registry.

Copy of this order be communicated to the Jail Superintendent.

The appeal stands disposed of in the aforesaid terms.

Copy of this order be given Dasti under the signatures of the Court Master.

VIPIN SANGHI, J

I.S.MEHTA, J

OCTOBER 25, 2018