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

+ **CRL.REV.P. 4/2018**

COURT ON ITS OWN MOTION Petitioner

Through: Mr. Rajat Katyal, APP

versus

VIKAS @ VIKASH Respondent

Through: Mr. B. Badrinath, Advocate with
respondent in person

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

31.05.2018

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We have heard Mr. Katyal as well as Mr. Badrinath on behalf of the respondent. We have examined the judgment rendered by the Trial Court in the light of the evidence brought on record. We are of the view that there is no ground to set aside the impugned judgment and remand the case back for re-trial.

In the present case, the victim/ prosecutrix was a five year old girl. Her medical examination confirms sexual assault. However, the accused could not be identified. The victim did not make a statement before the learned Magistrate on account of the trauma suffered by her. Surprisingly, she was not cited as a witness by the prosecution and not examined by the Court even as a court witness. The samples drawn upon medical examination of the victim, also could not throw up any incriminating

evidence qua the respondent accused.

In these circumstances, we feel that it is pointless to proceed with the matter. However, we may observe that the present is a case of extremely shoddy and poor investigation by the police. We would have proceeded to examine the role played by the I.O. in the present case, but we are informed by Mr. Badrinath, on the basis of the paragraph 9 of the impugned judgment, that the I.O. has already passed away during the trial.

In these circumstances, we put the matter to rest. However, a copy of this order be communicated to the Commissioner of Police. He should have the record of the case examined by an officer of the rank of DCP so that appropriate directions could be issued and corrective measures are taken to prevent such lapses in future.

The personal bond filed by the respondent accused is discharged.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

P.S.TEJI, J

MAY 31, 2018

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