

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47064 of 2018

Arising Out of PS. Case No.-213 Year-2013 Thana- RUNISAIDPUR District- Sitamarhi

Dr. Ram Vinod Jha, S/o Late Sadanand Jha, R/o village+P.O.-Tilak Tajpur,
P.S-Runni Saidpur, District-Sitamarhi, Pin Code-843316, Mob.9801792596.
... Petitioner/s

Versus

The Central Govt. Of India Through Its Legal And Judicial Secretary, At New
Delhi & Ors

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Ram Vinod Jha
For the Opposite Party/s : Mr.Sri Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 07-01-2019 Heard the petitioner as well as learned Additional
Public Prosecutor.

Though, no statement under Section 164 Cr.P.C. of the
victim has been attached with the instant petition but, during
course of argument the petitioner himself disclosed that the
victim had stated before the Magistrate to the effect that after
having been carried by her Mama to the place of the petitioner
where she stayed, petitioner had developed physical intimacy
with her.

Petitioner has submitted that from the medical
evidence her age has been estimated as 20 years. The medical
evidence also did not suggest the factum of penetration and that
being so, addition of charge is non-permissible in the eye of law.

The learned Additional P.P. opposed the prayer.



For the present, the age of the victim as disclosed under matriculation certificate being 20.01.1997 is to be considered and further, acknowledging the status of the victim to be minor did justify addition of charge under 4 of the POCSO Act and that being so, instant petition suffers from inherent deficiency whereupon, is dismissed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

U		T	
----------	--	----------	--

