

\$~77

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

+ **CRL.L.P. 518/2019**

STATE

..... Petitioner

Through Mr Amit Gupta, APP for State.
ASI Karamvir Singh, P.S. North Rohini.

versus

MOHIT SHARMA

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

17.09.2019

CRL.M.A. 35983/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.A. 35982/2019 in CRL.L.P. 518/2019

3. For the reasons stated in the application, the delay in filing the petition is condoned. The application is disposed of.

CRL.L.P. 518/2019

4. The State has filed the present petition seeking leave to appeal against the judgment dated 06.06.2019, passed by the learned Additional Sessions Judge (North-West)-01, Special Court, POCSO Act, Rohini District Court.
5. By the impugned judgment, the accused/respondent herein has been acquitted of the offences under Section 354-A, read with Section 10 of the

Protection of Children from Sexual Offences Act, 2012.

6. The proceedings had commenced on an FIR bearing No. 423/2015 being registered for the said offences at Police Station, Rohini North. It is stated that at the material time the respondent/accused herein was the principal of the school named Raja Ram Mohan Roy Public School, Rohini. It is alleged in the said FIR that he had misbehaved with the prosecutrix who was a student of 12th Standard. The prosecutrix alleged that the respondent called her to his room and put his hand on her waist and shoulder and had also attempted to pull her towards him. She alleged that at that time, the door of his room was closed and no one else was present in the room. She did not inform her parents and police about the incident but had narrated the same to one of her friends (Ms. G). Ms. G had then informed the prosecutrix's mother about the incident.

7. The said incident was alleged to have taken place on 22.05.2015. The evidence obtained in the case establishes that on the same day, one of the teachers of the prosecutrix had called her parents to the school on the next day. It is also established that the prosecutrix was not performing well in school and her marks in few subjects were dismal.

8. The parents of the prosecutrix had denied that she was not performing well or that an undertaking had been given by the father of the prosecutrix that she would be demoted if she does not improve her performance. However, the evidence produced before the Trial Court indicated that the assertions made on behalf of the defence were correct and an undertaking to the effect as stated above, had in fact been given by the father of the prosecutrix. It is stated that on the next date, the parents of the prosecutrix

along with the sister (by faith) of the father of the prosecutrix and his nephew had gone to the school and that there was a scuffle with the teachers. It was also alleged that the Vice-Principal of the School had pulled the hair of the prosecutrix's mother.

9. The CCTV Camera footage was examined and it was found that the allegations were not substantiated. It was the respondent's case that a false complaint had been made since the parents of the prosecutrix were pressurising the respondent not to demote the prosecutrix to Class XI.

10. After considering the testimony, the Trial Court concluded that the prosecutrix and her parents were unreliable witnesses and there were several contradictions in their versions. Consequently, the Trial Court held that the prosecution had been unable to prove that the respondent had committed an offence for which he was charged, beyond reasonable doubt. Accordingly, the court acquitted the respondent.

11. The Trial Court had also noted that the siblings of the prosecutrix continued to study in the said school, which would not have been the natural course in the event the prosecutrix had been molested in any manner.

12. The prosecutrix's friend PW12 (Ms. G) was also examined, and she also did not support the case of the prosecutrix to the fullest extent.

13. In view of the above, this Court finds no infirmity with the conclusion drawn by the Trial Court.

14. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 17, 2019/ pkv