

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

% Decided on: January 28, 2019

+ **W.P.(CRL) 3822/2018**

MINOR P REPRESENTED BY: HER FATHER ... Petitioner
Represented by: Mr.Roshan Santhalia, Advocate

versus

STATE ... Respondent
Represented by: Mr.Rahul Mehra, Standing
Counsel for the State with
Mr.Jamal Akhtar and
Mr.Chaitanya Gosain,
Advocates
SI Rinku Bhakar, PS Ranhola

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. Petitioner is a minor, who is represented through her father, on whose complaint FIR No.431/2018 was registered at PS Ranhola for offences punishable under Sections 376/506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (in short POCSO Act). The petitioner during the course of trial, needed a copy of the charge-sheet which was directed to be supplied to the petitioner by the learned Trial Court vide order dated 14th August, 2018 but at the expense of the petitioner and as per rules.

2. Section 25(2) of the POCSO Act reads as under:

“The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under Section 207 of the Code, upon the final report being filed by the police under Section 173 of that Code.”

3. A perusal of sub-Section (2) of Section 25 clearly shows that the Magistrate is mandated to provide to the child/parents/guardians copy of the documents as specified under Section 207 Cr.P.C. upon the final report being filed. Sub-Clause (2) of Section 25 imposing a mandate on the Magistrate to provide a copy of the charge sheet learned Metropolitan Magistrate could not have asked for expenses from the complainant/victim in the FIR in question.

4. Though the issue looks trivial but it affects the rights of a victim as a victim cannot pursue trial effectively for not being in possession of the charge-sheet and the documents filed therewith. It is for this reason that Section 25(2) of POCSO Act mandates the court concerned to provide the charge-sheet and all documents supplied to the accused under Section 207 Cr.P.C. Once the Act imposes a mandate to supply the documents, no charge can be directed to be levied. Thus, in view of the mandate, the charges levied by the Registry of Tis Hazari Court are uncalled for as the petitioner has a right to get the documents as supplied to the accused under Section 207 Cr.P.C. free of cost.

5. Petition is disposed of directing the refund of ₹340/- as deposited by the petitioner with the Registry of Tis Hazari Court.

6. Copy of this order be circulated to all the courts dealing with matters under POCSO Act with the direction to provide copies of the charge-sheet and all documents therewith which the accused is entitled under Section 207

Cr.P.C. simultaneously or at an immediate convenient date to the victim/complainant as well.

(MUKTA GUPTA)
JUDGE

JANUARY 28, 2019
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