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

+ **CRL.REV.P. 186/2019**

DEEPAK

..... Petitioner

Through: Mr K.D. Saini, Advocate.

versus

STATE

..... Respondent

Through: Ms Meenakshi Chauhan, APP for
State.

W/SI Koyal, PS Mangol Puri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.01.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 31.10.2018, whereby the learned ASJ has framed charges against the petitioner for the offences punishable under Sections 363/366 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012. In addition, the petitioner has also been charged for offence under Section 376 (2)(i) of the IPC.

2. It is the petitioner's case that he could not be charged with any of the aforesaid offences as it is established from the record that the victim had voluntarily left with him and both of them had, thereafter, married. He also states that the date of birth of the alleged victim, as recorded in the school of her first admission, is 14.01.1995 and therefore, there was no occasion for the Trial Court to examine any other document. He states that it is also apparent from the record that the victim had changed her school and had

recorded her date of birth as 08.07.1997 in her new school where she was admitted to the IXth Standard.

3. He also submits that an offence under Section 376(2) of the IPC cannot be stated to have been committed because it is on record that the petitioner had married the victim and she is his legally wedded wife.

4. The Trial Court had accepted the contention that the question whether the victim was a minor, was a matter which could be decided only after the trial and after evaluating the evidence.

5. The question whether the alleged victim was legally wedded to the petitioner can also be evaluated only after the relevant evidence is led to the said effect. In view of the above, this Court finds no infirmity with the impugned order.

6. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JANUARY 29, 2020
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