



standing with one Arun. Arun put a cloth on her face and forcibly took her to a tent house in village Kharak Khurd and snatched her mobile phone. Respondent No.2 raped the victim while the Arun stood guard outside. Thereafter, Arun took the victim on his motorcycle to drop her home but dropped her at the Bhadurgarh by-pass. Subsequently, co-accused Arun was convicted by the learned Special Court under POCSO Act, Bhiwani vide judgment dated 05.08.2023. Respondent No.2 was produced before the JJB for preliminary assessment enquiry under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Vide order dated 03.02.2023 held that respondent No.2 is a juvenile and the matter shall be tried by the JJB itself. The petitioner moved an appeal against order dated 03.02.2023, which is currently listed for 18.12.2023.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner moved an application before the learned Appellate Court seeking preponement of hearing of the appeal. However, the same was dismissed in a mechanical manner vide impugned order dated 11.10.2023(Annexure P-11). The trial before the JJB is proceeding expeditiously while the appeal filed by the petitioner is still pending. The learned JJB has issued non-bailable warrants against the petitioner-complainant and the prosecutrix among other witnesses. In case, the proceedings before the JJB, culminates before the decision of the appeal, great prejudice will be caused as respondent No.2 deserves to be treated as an adult. No reasons have been indicated in the impugned order as to why the application for preponement has been dismissed. Learned counsel limits his prayer to the extent of direction to the learned Court below to decide the appeal in an swift manner.

4. Learned counsel for respondent No.2 opposes the prayer made by



the petitioner and submits that the learned JJB has rightly dismissed the application for preponement made by the petitioner as no grounds were made out for the same. As such, no interference by this Court is warranted.

6. In view of the limited prayer made by the petitioner, the learned Additional Sessions Judge, Bhiwani is directed to decide the appeal filed by the petitioner bearing no. CRA-115-2023 titled ‘*Ramniwas vs. Harkesh @ Paramvir*,’ expeditiously, preferably within a period of 03 months from today. However, till the appeal is decided by learned Additional Sessions Judge, Bhiwani, the order dated 22.11.2023 passed by this Court in the instant petition, shall remain in force as an interim measure.

7. Disposed of in the aforesaid terms.

September 26, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |