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

+ **CRL.A. 459/2020**

MISS P AND OTHERS

..... Appellant

Through **Mr. Tara Narula and Ms. Shivangi
Sharma, Advocates**

versus

STATE OF NCT DELHI & ANR.

..... Respondents

Through: **Mr. Mukesh Kumar, APP for State
with SI Kiran Sethi and SI Bijender
Singh, PS Patel Nagar**

**Mr. Kamlesh Kumar Mishra, Ms.
Manya Mishra, Ms. Renu and Mr.
Nitin Kumar Nayak, Advocates for
R-2**

**Mr. Harsh Prabhakar, Advocate
(DSLSA) with Mr. Dhruv Chaudhary,
Ms. Eshita Pallavi and Mr. Adeeb
Ahmad, Advocate**

+ **CRL.A. 295/2021**

STATE

..... Appellant

Through: **Mr. Mukesh Kumar, APP for State
with SI Kiren Sethi and SI Bijender
Singh, PS Patel Nagar with Miss P**

versus

P.D.D.

..... Respondent

Through: **Mr. Kamlesh Kumar Mishra and Ms.
Renu, Advocates
Mr. Harsh Prabhakar, Advocate
(DSLSA) with Mr. Dhruv Chaudhary,
Ms. Eshita Pallavi and Mr. Adeeb
Ahmad, Advocate**

CRL.A. 459/2020 & CRL.A. 295/2021

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CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
13.08.2024

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1. Heard arguments on sentence.
2. We have also received the Victim Impact Report (VIR) from the concerned Delhi Legal Services Authority (DLSA). As per such report, victim was paid 'interim compensation' of Rs.40,000/-, which was credited into her account on 16.03.2016.
3. As per such report, the victim continues to be under physical and emotional trauma. Victim, who is still unmarried, could not even complete her schooling. Substantial amount was also spent by her on her treatment. As per the recommendations of DLSA, in view of the gravity of the matter and severity of the mental/physical harm suffered by the victim, including her mother and brother, they deserve maximum compensation.
4. We are mindful of the fact that the convict had been acquitted by the learned Trial Court way back in 2019. There is nothing before us which may show that during the interregnum, he has indulged into any illegal activity.
5. We have also perused his affidavit.
6. Admittedly, he is residing separately from his wife and children. He has been reportedly working as E-Rickshaw Driver and



is earning a meager sum of Rs.7,000/- per month. It is prayed that keeping in mind the peculiar facts of the case, he be released on probation or may be given minimum sentence.

7. We are conscious of the fact that the convict had been charged for commission of offences under Section 6 of Protection of Children from Sexual Offences Act, 2012 (POCSO) and under Section 506 and 323 IPC.

8. POCSO Act came into effect on 14.11.2012 and it is not clear as to why a charge under Section 376 IPC was not framed, at least in alternate, by the learned Trial Court. Fortunately, in the case in hand, incidents of sexual assault continued for two years and part incident did take place after POCSO came into effect. Nonetheless, it would have been appropriate had the learned Trial Court also framed a specific charge under Section 376 IPC.

9. Be that as it may, keeping in mind the overall facts and circumstances of the case and after hearing both the sides, we sentence the convict, i.e., respondent (PDD) as under: -

(i) For offence under Section 6 of POCSO Act:

Convict/respondent PDD is sentenced to undergo 10 years rigorous imprisonment with fine of Rs.10,000/- and in default of payment of fine, to undergo further SI for a period of 3 months.

(ii) For offence under Section 323 IPC:

Convict/respondent PDD is sentenced to undergo 3 months



simple imprisonment.

(iii) For the offence under Section 506 IPC:

Convict/respondent PDD is sentenced to undergo 01year simple imprisonment with fine of Rs. 1,000/- and in default of payment of fine, to undergo further SI for a period of one month.

10. All the sentences shall concurrently.

11. Needless to say, the convict shall be entitled to benefit of Section 428-A Cr.P.C.

12. It is not hard to fathom the mental state of a little girl who was ravished by none other than her own father in her own house. The ordeal of her mother and younger brother is also no less. Keeping in mind the facts on record and also in view of serious mental and physical trauma, which the victim had undergone on account of the atrocities committed by the respondent, we deem it fit and proper to award her a further compensation of Rs.12 lakhs. Though the above amount of compensation cannot undo her sufferings but would certainly help her in rehabilitating herself.

13. Keeping in mind the present economic condition of the convict/respondent, we direct that entire such compensation amount be disbursed to her by DLSA, West.

14. Let the needful be done by DLSA, as expeditiously as possible, but not later than 4 weeks from today.



15. A copy of this order be also sent to learned Secretary, DLSA, West for compliance.

16. A copy of this order be also sent to the concerned Superintendent, Jail for information.

17. Convict/respondent P.D.D. is not present and is reportedly indisposed. Though, ideally speaking, he should have been here in person particularly in the view of the fact that he has been found guilty for committing a very grave offence but keeping in mind the overall facts, we permit him to surrender on 16.08.2024 by 04:00 PM. In default, learned Trial Court would immediately issue requisite warrants so that he is arrested and is sent to jail to serve the sentence.

18. A copy of judgment and the instant order on sentence be given to learned counsel for the convict, free of cost, by the Court Master under his signatures.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

August 13, 2024
st/dr