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

+ **CRL.REV.P. 619/2024 CRL.M.A. 14357/2024**

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.....Petitioner

Through: Mr. Hemant Kumar, Advocate.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State.
Mr. Shubham Aggarwal, Advocate for
respondent.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

06.09.2024

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1. The said revision petition impugns the order dated 16th September, 2023, passed by ASJ, concluding that the victim was not a child and court had no jurisdiction to enquire in the present case.
2. As noted in the impugned order, per the ossification report, upper age limit was shown to be 18 years. The ossification report was dated 09th June, 2023, and the date of the conduct of the test, was 06th June, 2023.
3. Counsel for petitioner states that date of the incident noted by the impugned order as 03rd May, 2023, is actually the date of the registration of the FIR.
4. A perusal of the FIR would show that there are incidents complained of were of 3 years back from the date of the registration, therefore, it may be necessary for the Trial Court to consider this aspect, basis the records.
5. Depending on that, the matter would have to be allocated to the



appropriate Court.

6. Accordingly, the matter is remanded back to the Court of ASJ (West) Tis Hazari Courts for reconsideration of this issue.

7. Matter be placed before Principal District & Sessions Judge, (West) Tis Hazari Courts 10th September, 2024 for directions and allocation to appropriate Court.

8. Petition is disposed of accordingly.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 6, 2024/RK

Click here to check corrigendum, if any