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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7841/2023, CRL.M.A. 29232/2023**

ASHOK KUMAR Petitioner
Through: Mr. Gautam Anand, Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr. Aashneet Singh, APP for State
with SI Parvesh, P.S. Palam Vihar.
Mr. Harshit Aggarwal, Advocate for
respondent Nos. 3 and 4.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
05.02.2024

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1. By way of present petition filed under Section 482 Cr.P.C. read with Article 227 of the Constitution of India, the petitioner seeks to assail order dated 19.10.2023 passed by the Trial Court in FIR No. 769/2022 registered under Section 323 IPC and Section 10 of the POCSO Act whereby the impugned order came to be passed on the submission of respondent Nos. 3 and 4 that there is likelihood of the child victim being tutored before his testimony is recorded.
2. It is the grievance of the petitioner that Trial Court, without following the procedure provided under Section 31 of the Rules under the Juvenile Justice (Care and Protection of Children) Act 2000, directed the child victim to be sent to shelter home. It is further contended that Trial Court also failed to carry out inquiry as envisaged under Sub Rule 4(5) of the POCSO Rules,



2020. Learned counsel for the petitioner states that subsequently respondent Nos. 3 and 4 appeared before the Trial Court on 08.12.2023 and stated that they withdrew their earlier objection raised before the Trial Court.

3. Learned counsel for respondent Nos. 3 and 4 has joined the proceedings through V.C. and, on instructions, states that the answering respondents will be raising any objection on the aforesaid aspect.

4. Considering the aforesaid, the impugned order is set aside. Petition is disposed of in the above terms alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

FEBRUARY 5, 2024

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