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

+ CRL.REV.P. 1187/2024, CRL.M.A. 29634/2024, CRL.M.A.
29635/2024
JATIN KUMAR

.....Petitioner

Through: Mr. Yakshay Auluck, Ms. Simran
Auluck, Mr. Parth Chaturvedi, Mr.
Rakesh Singla, Advs.

versus

STATE GNCTD OF DELHI AND ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with Inspector Deepak, Cyber PS
West.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

01.10.2024

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CRL.M.A. 29633/2024(exemption)

Exemption is allowed subject to all just exceptions.

CRL.REV. P. 1187/2024

1. The Present Criminal Revision Petition has been filed under Section 438 read with Section 442 and Section 528 CrPC seeking setting aside of the order on charge dated and order framing charge dated 01.07.2023, passed by the Ld. ASJ (FTC)-01, West District, Tis Hazari Court, Delhi in SC No. 253/2023, titled State vs. Jatin Kumar @ Avi, arising out of FIR No: 09/2023, PS Cyber West, u/s 354A/354D/506 IPC & Section 67 IT Act and Section 12 POCSO Act.
2. Learned counsel for the petitioner submits that the learned Trial Court has not considered any arguments advanced by the petitioner and



passed a non speaking order.

3. Issue notice. Learned APP for the State has accepted the notice.
4. The order passed by learned Trial Court is reproduced under;

1/3/23

CNR No. DLWT01-004288-2023
SC No. 253/2023
FIR No.09/2023
P.S.Cyber Cell
U/s 354A/354D/506/ IPC & 67B IT Act &
Section 12 of POCSO Act
State v. Jatir Kumar @ Avi

01.07.2023

Present: Ms. Kiran Bala, Ld. Addl. PP for the State.
Dr. Shiwani Gambhir, Ld. Counsel from DCW.
Accused has been produced from JC.
Mr. Yashraj Anand and Mr. Parth Chaturvedi, Adv.
for the accused.
Mr. Archit Arora, Adv. for the complainant/victim.
IO/Insp. Deepak from P.S Cyber is present.

Heard arguments on behalf of the State as well as for
the accused on the point of charge.

Prima facie ground has been found to frame charge
against the accused for offence punishable U/s 354A/354D/506/
IPC & 67B IT Act & Section 12 of POCSO Act. Accordingly,
charges for the said offences have been framed upon the accused,
to which accused pleaded not guilty and claimed trial.

List for PB on 04.08.2023. Prosecutrix be
summoned through the concerned SHO/IO for the next date of
hearing. IO and MHC(M) be also summoned for the date
fixed.

1/3/23
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(Dr. RUCHI AGGARWAL ASRANI)
ASJ (ETSC) (POCSO)-02, WEST
TIS HAZARI COURTS, DELHI
01.07.2023

5. Upon perusal of the order dated 01.07.2023, it is clear that the learned Trial Court has not provided even an iota of reasoning for reaching the conclusion that there is a prima facie case to frame charges. Although, at the stage of framing charges, the Court is not required to provide detailed reasons, this does not mean that the Trial Court can entirely refrain from giving any rationale for reaching such



satisfaction. The Sessions Court, when dealing with charges under Section 227 and Section 228 of the CrPC, must reach the opinion that there are grounds for presuming the accused has committed the offense. Any judicial order devoid of reasons cannot stand in the eyes of the law. Hence, without going into the merits of the case, the impugned order is set aside, and the matter is remanded to the learned Sessions Court. The Sessions Court is directed to conduct a fresh hearing on the points of charge and pass a speaking order, stating the grounds on which it has formed the opinion that there are grounds for presuming the accused has committed the offense.

6. Copy of this order be sent to the learned Trial Court for necessary compliance.

DINESH KUMAR SHARMA, J

OCTOBER 1, 2024

Pallavi/NA