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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 1245/2024 CRL.M.A. 32522/2024 CRL.M.A.**
32523/2024
PRINCE SHARMAPetitioner

Through: Ms. Heena & Mr. Sahil Sharma,
Advs.

versus

THE STATE (NCT OF DELHI) & ANR.Respondent
Through: Mr. Hitesh Vali, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **25.10.2024**

1. This petition has been filed for setting aside order dated 11th September, 2024 passed by the ASJ (POCSO), Shahdara District, Karkardooma Courts in FIR No. 262/2023 PS Vivek Vihar under Sections 323/354 IPC and Section 10 POCSO.
2. The petitioner, who appears in-person, is a practicing Advocate, states that the FIR was registered on a false complaint filed by the father of one of the students whom he was coaching, accusing him of scolding the student and on that basis escalated the issue and stated that he will file a sexual harassment case against him. Later, the family members also came in drunken condition and used abusive and filthy language to the petitioner. Consequently, the petitioner along with 20 other students had gone to the police station to lodge a complaint.
3. The charge-sheet was filed on 25th August, 2023 and the trial commenced. The victim was examined as PW-1, cross-examined and then discharged by the Trial Court on 13th May, 2024. Subsequently, the mother



and the father of the victim were examined as PW-2 and PW-3. The prosecution evidence has now been closed by the Trial Court on 29th July, 2023. Statement under Section 313 Cr.P.C. of the petitioner was recorded by the Trial Court on 16th August, 2024. On the same day, petitioner filed an application under Section 315 Cr.P.C. for permission to lead defence evidence. However, the Trial Court proposed to move under Section 232 Cr.P.C. instead of allowing the petitioner to lead defence evidence. Written submissions were filed against the proposed acquittal and on the same day arguments were heard on 11th September, 2024 and the matter fixed for orders.

4. The petitioner is aggrieved by the approach in the Trial Court in proceeding under Section 232 Cr.P.C., without allowing the petitioner to lead defence evidence. The petitioner states that he would prefer a clean acquittal since this was based on a completely false and fabricated trial.

5. The request of the petitioner, who appears in-person, is taken into consideration. The Trial Court is directed to consider his application under Section 315 Cr.P.C. and stay its hands on the order under Section 232 Cr.P.C.

6. Accordingly, petition is disposed of with the aforesaid directions. Pending applications, if any, are also disposed of as infructuous.

7. Copy of the order be given *dasti* under the signature of the Court Master.

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

ANISH DAYAL, J

OCTOBER 25, 2024/MK