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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 790/2017

STATE

.....Petitioner

Through: Mr. Rajkumar, APP for the
State

versus

NEERAJ KUMAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

06.08.2024

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1. This Court, by order dated 16.05.2024, had recorded the statements of the respondent that he has been acquitted for the offences punishable under Sections 354/354-D IPC by judgment dated 20.05.2017.
2. It is pointed out that the judgment of acquittal is dated 27.10.2023.
3. In view of the above, the error in recording the date of judgment of acquittal is rectified.
4. The learned Additional Public Prosecutor for the State submits that the fact that the respondent has been acquitted is verified.
5. It is not denied that the order of acquittal of the respondent has not been challenged.
6. In view of the above, the challenge to the impugned order dated 20.05.2017, passed by the learned Trial Court, whereby the respondent was discharged for offences under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('**POCSO Act**') and charges were framed against him for



offences under offences under Section 354/354D of the IPC, does not survive.

7. Since the prosecution has not been able to prove beyond reasonable doubt the allegations in regard to the alleged offences under Section 354/354D of the IPC, no charges can be framed against the respondent for offences under Sections 8 and 12 of the POCSO Act.

8. In light of the respondent's acquittal for offences arising from the same incident under Sections 354/354D of the IPC, the challenge by the State to the learned ASJ's order discharging the respondent for offences under Sections 8 and 12 of the POCSO Act is unsustainable and maintaining such a challenge would be an abuse of the judicial process. In such circumstances, no ground is made out to warrant any interference in the impugned order.

9. The present petition is, therefore, dismissed.

AMIT MAHAJAN, J

AUGUST 6, 2024

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