



2025:DHC:9349



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 27.10.2025*+ **CRL.REV.P. 107/2025 & CRL.M.A. 9052/2025**

RENU TORA

.....Petitioner

Through: Mr. Varun Gupta, Ms. Richa
Mishra, Ms. Simran wason,
Mr. Akhil G. Kurup,
Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present revision petition, the petitioner assails the order dated 23.12.2024 [hereafter '*impugned order*'], passed by the learned Additional and Sessions Judge (POCSO), North-West District, Rohini Courts, Delhi [hereafter '*Trial Court*'], whereby the learned Trial Court had framed charge against the petitioner for commission of offence punishable under Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 [hereafter '*JJ Act*'], in SC No. 393/2022, arising out of FIR No. 230/2022, registered at Police Station Shalimar Bagh, Delhi.



2025:DHC:9349



2. As set out in the petition, it is the petitioner's case that she is a social activist and runs an NGO in Rohini, Delhi. It is stated that she has dedicated her life to social welfare and the upliftment of underprivileged communities, but has been falsely implicated in the present case.

3. The brief facts of the case are that the FIR had been registered on 29.01.2022 on the complaint of the victim 'X'. In her complaint, the victim alleged that about two years prior to the registration of the FIR, one Bahadur, who was her brother in relation, had taken her from her village to Ranchi, Jharkhand for work. Thereafter, he had sent her along with one Firoz (co-accused in the present case) to Delhi. The victim alleged that Firoz had kept her at his house for a day and on the next day, had taken her to one Amit at Shakarpur and had left her there. Amit had arranged her employment as a domestic help at the house of co-accused Deepak Jain in Shalimar Bagh. After three or four months, accused Deepak Jain had sexually harassed the victim. Thereafter, he had called Firoz, and the victim had left with him. The victim further alleged that one day Firoz had sent her to accused Deepak Jain along with the present petitioner. The petitioner had taken her to a place where she met Deepak Jain, and the petitioner had made her put her thumb impression on some blank papers. The victim also stated that another woman was present with the petitioner at that time. Thereafter, they had dropped her back at the house of Firoz. She further alleged that on the same night and the following day, Firoz had sexually assaulted her. About fifteen days



2025:DHC:9349



before the registration of the FIR, Firoz had abandoned her at Punjabi Bagh. The victim stated that while she was crying at the spot, an unknown man and woman had taken her to an NGO office at Shakarpur. On the basis of these allegations, the present FIR had been registered for offences punishable under Sections 376, 506, and 370 of the Indian Penal Code, 1860 [hereafter '*IPC*'] read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 [hereafter '*POCSO Act*'].

4. During the course of investigation, the victim had been medically examined at BJRM Hospital. She had led the Investigating Officer (I.O.) to the house of co-accused Deepak Jain and had identified him. The investigation further revealed that the victim had worked in the house of Deepak Jain for about two and a half years and had been recruited through a placement agency run by one Amit, who was being paid ₹6,000 per month by Deepak Jain for her services.

5. The statement of the victim was thereafter recorded under Section 164 of Cr.P.C., wherein she stated that she had been recruited by Firoz to work at the house of Deepak Jain, where she was not given proper food and was often scolded. However, she specifically stated that Deepak Jain had not committed any wrong act with her, although she did not like working there. Deepak Jain had eventually called Firoz to take her back, after which Firoz had taken her to his own house. The victim further alleged that Firoz and the present



2025:DHC:9349



petitioner had taken her to meet Deepak Jain at a hotel, where the petitioner had made her put her thumb impression on some paper. It was alleged that Deepak Jain had handed over her salary for her work to Firoz and the petitioner, but the said money had not been given to her. According to the victim, Firoz and the petitioner had told her that she would receive her money only if she made a false statement against Deepak Jain, and it was on their insistence that she had given a statement against him to the police.

6. Pursuant to the order of the learned Trial Court dated 07.08.2023, a supplementary charge sheet had been filed, and the accused Deepak Jain and the present petitioner were summoned. Co-accused Firoz had been declared an absconder on 13.02.2023. Another supplementary charge sheet had been filed regarding the age proof of the victim, as per the record collected from her school, which reflected her date of birth as 11.12.2007. Subsequently, after the arrest of co-accused Firoz, a further supplementary charge sheet was filed against him for offences punishable under Sections 376, 370, 506, and 174A of IPC, Section 6 of the POCSO Act, and Section 79 of the JJ Act.

7. By way of the impugned order, the learned Trial Court was pleased to frame charges against co-accused Firoz for offences under Sections 370 and 370A of IPC, Section 5(1) punishable under Section 6 of POCSO Act, and additionally under Sections 376(2)(n), 376(3), and 174A of IPC, as well as Section 79 of JJ Act. The petitioner was



2025:DHC:9349



charged for commission of the offence punishable under Section 79 of the JJ Act, whereas co-accused Deepak Jain was discharged.

8. The learned counsel appearing on behalf of the petitioner argues that the learned Trial Court has committed an error in framing the charge against the petitioner, as there are no specific or substantiated allegations against her. It is submitted that the impugned order has been passed in a mechanical manner, without proper application of mind, and without taking into account the fact that the petitioner is a senior citizen who has been running an NGO for the last sixteen years, dedicated to social welfare and rehabilitation work. It is further contended that the learned Trial Court has failed to properly interpret the scope and ingredients of Section 79 of the JJ Act. According to the learned counsel, the essential ingredients of the said provision are not satisfied in the present case, as the victim was never employed by the petitioner at any point of time. It is argued that Section 79 of the JJ Act contemplates a situation where a child is ostensibly engaged or employed and is kept in bondage or where his or her earnings are withheld or misappropriated for another person's benefit. It is submitted that none of these circumstances exist in the present case. The learned counsel further submits that the material on record does not disclose any instance of the petitioner having employed the victim, withheld her income, or used her earnings for personal gain. On the contrary, the petitioner's role, as reflected in the record, was limited to assisting the victim in recovering her due payment from



2025:DHC:9349



Deepak Jain for the work she had performed as a domestic help at his residence. It is also urged that there is an unexplained delay in lodging the FIR, and that the charge has been framed without there being any material to connect the petitioner with the commission of the alleged offence.

9. On the other hand, the learned APP for the State opposes the revision petition and submits that, as per the victim's statement recorded under Section 164 of Cr.P.C. as well as during investigation, the petitioner had withheld the earnings of the victim. It is, therefore, contended that the learned Trial Court has committed no illegality in framing the charge against the petitioner under Section 79 of the JJ Act.

10. This Court has **heard** arguments addressed on behalf of the petitioner as well as the State, and has perused the material available on record.

11. The operative portion of the impugned order dated 23.12.2024, passed by the learned Trial Court, is set out below:

“ Ld. Counsel for accused Renu Tora has relied upon the case law to argue that the victim child was not employed by accused Renu Tora that is why it is argued that the provision of Section 79 JJ Act are not applicable on her

* * *

In the present case, the victim child was got employed by accused Firoz and later on it was accused Firoz alongwith accused Renu Tora who withheld the earnings of the victim child. Hence, the above arguments of Ld. Counsel for accused Renu Tora is not found tenable. The Section talks about three parts and one of the accused got the victim child employed i.e. accused Firoz and thereafter accused Firoz and Renu both in



2025:DHC:9349



furtherance of their common intention withheld the earnings of the victim child and used them for their own purpose.

On the basis of material on record, prima facie charge u/s 370/370A IPC, u/s 5(1) POCSO Act punishable u/s 6 POCSO Act and in addition u/s 376 (2)(n)/376(3) IPC, 79 JJ Act and 174A IPC is made out against the accused Firoz @ Md. Jumrat and prima facie charge u/s 79 JJ Act is made out against the accused Renu Tora. Charge has been framed under the said Sections and has been read over to the accused Firoz @ Md. Jumrat and Renu Tora, who after understanding the same has pleaded not guilty and claimed trial...”

12. For adjudicating the present revision petition, it is necessary to refer to Section 79 of the JJ Act, which reads as under:

“79. Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

Explanation.— For the purposes of this section, the term “employment” shall also include selling goods and services, and entertainment in public places for economic gain.”

13. A plain reading of the above provision makes it evident that the offence under Section 79 of the JJ Act comprises three distinct limbs, connected by the disjunctive word “or”:

- (i) Ostensibly engaging a child or keeping him/her in bondage for the purpose of employment, or
- (ii) Withholding his earnings, or
- (iii) Uses such earnings for his own purposes.

14. Thus, the existence of any one of these circumstances would



2025:DHC:9349



suffice to attract the applicability of Section 79 of the JJ Act, as also rightly observed by the learned Trial Court.

15. When these ingredients are applied to the facts of the present case, it emerges from the record that the victim child, in her statement recorded under Section 164 of Cr.P.C., had categorically stated that she was got employed by co-accused Firoz at the house of co-accused Deepak Jain (who has since been discharged by the learned Trial Court). The victim further alleged that after she had completed her work at the residence of Deepak Jain, she was taken by Firoz and the petitioner herein to meet Deepak Jain at a hotel, where Deepak Jain handed over her wages to Firoz and the petitioner. The victim also stated that, at that time, her thumb impression was taken on blank papers, and the said amount, which represented her earnings, was never given to her. Instead, both Firoz and the petitioner retained the said money.

16. The victim also alleged that the petitioner had later told her that she would be given her money only if she falsely implicated Deepak Jain in the case, which prompted her to make a false statement against him before the police. These allegations, taken at their face value, clearly indicate that the petitioner, in connivance with co-accused Firoz, had withheld the legitimate earnings of the victim child, which had been handed over to them by Deepak Jain in the victim's presence, and had failed to return the same to her.

17. At the stage of framing of charge, the Court is not expected to



2025:DHC:9349



weigh the evidence meticulously or to assess its probative value, but only to determine whether there exists a *prima facie* case warranting the framing of charge. The allegations on record, supported by the victim's statement under Section 164 of Cr.P.C., disclose a *prima facie* case of the petitioner having withheld the earnings of a child and thereby attracting the second and third limbs of Section 79 of the JJ Act.

18. Therefore, this Court finds merit in the reasoning adopted by the learned Trial Court that a *prima facie* case under Section 79 of the JJ Act is made out against the petitioner.

19. In view of the above discussion, this Court finds no infirmity, perversity, or illegality in the impugned order dated 23.12.2024 passed by the learned Trial Court, and the same calls for no interference by this Court.

20. In view of the above, the present revision petition along with pending applications, if any, stands dismissed.

21. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

22. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
OCTOBER 27, 2025/vc