



\$~80

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

+ CRL.M.C. 3529/2023&CRL.M.A. 13301/2023(Stay)

VIVEK RASTOGI

.....Petitioner

Through: Mr. Pritish Sabharwal & Ms. Shweta,
Advts.

versus

STATE & ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
Insp. Yakub Khan, ATO/NDRS/New
Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.02.2025

%

1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Cr.P.C. read with Article 227 of the Constitution of India seeks the following prayers:-

“(a) Set aside of order dated 25.08.2022 passed by the Juvenile Justice Board transferring the case to Court of Sessions in FIR Number 47 of 2022 registered under section 363/376 of the Indian Penal Code, 1860 and section 6 of Protection of Children from Sexual Offenses Act, 2012 registered at Police Station New Delhi Railway Station.; and
(b) Pass such further order(s) and/or direction(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case and in the Interest of Justice.”

3. *Vide* order dated 18.02.2025, this Court had recorded as under:-

- “1. This hearing has been done through hybrid mode.
2. *Vide* order dated 27.08.2024, learned Predecessor Bench of this Court recorded as under:-
 - “1. Status report has been filed pursuant to the order dated



08.08.2023, passed by this Court.

2. It is submitted that the birth certificate was issued by the Registrar (Birth and Death), Gram Panchayat, Boraha, Bihar on 17.10.2022 and the said same was issued pursuant to the reporting for the birth that was given on 13.10.2022.

3. The learned Additional Public Prosecutor for the State submits that the impugned order was passed on 14.07.2022 and it is apparent that the certificate has been procured to overcome the findings of the learned Trial Court.

4. The learned counsel for the petitioner, however, submits that the certificate was issued on the basis of the original record of birth maintained in the register of Gram Panchayat.

5. Let an updated status report be filed before the next date of hearing.

6. List on 14.11.2024.”

3. In pursuance of the same an updated status report dated 12.11.2024 authored by Insp. Vishwanath, SHO/New Delhi Railway Station has been filed, wherein it has been recorded as under:-

“It is most respectfully submitted that in continuation to previous status report dated 09/10/23 filed before the Hon'ble Court in the present case, it is further submitted that fresh verification was conducted regarding the documents on the basis of, the said birth certificate was issued. After verification, it revealed that the said birth certificate dated 17/10/22 was issued on the basis of affidavit dated 14/09/22 of Reeta Devi, mother of petitioner, adhar card of petitioner and on the basis of enquiry conducted by Panchayat Secretary from the family members of petitioner.

The submission of Ld Counsel of petitioner that the certificate was issued on the basis of original record of birth maintained in the register of Gram panchayat is absolutely in correct. As per certificate dated 11/09/24 issued by Sarpanch, Gram Kachaheri Boraha, Panapur no documents/certificate related to birth/death are kept with Sarpanch. The same are kept with Gram Panchayat Secretary at Prakhand Office.

From the verification and enquiry conducted so far, it has become crystal clear that the said birth certificate dated 17/10/22 was procured to overcome the finding of Ld Trial Court. Letter with enclosed documents provided by Secretary Gram Panchayat Boraha and letter of Sarpanch, Gra Kachehari Boraha, are enclosed herewith for kind perusal of Hon'ble court.”

4. Learned counsel appearing on behalf of the petitioner seeks an



adjournment on the ground that the main counsel, who has to argue the present petition, is unavailable today.

5. Survivor is present in person and submits that she does not wish to engage a private counsel and has no objection if the learned APP defends the case.

6. At request, list on 20.02.2025.”

4. In view of the above, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition.

5. The present petition is dismissed as withdrawn and disposed of accordingly.

6. Pending applications, if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 20, 2025/nk/pr

[Click here to check corrigendum, if any](#)