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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 170/2025, CRL.M.A. 13476/2025 (stay)
AKSHAY SEHRAWAT @ ASHUPetitioner

Through: Ms. Sakshi Tanwar, Advocate.
versus

THE STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Shoaib Haider, APP for the State
with W/SI- Shiksha (Main IO) PS
Bindapur and W/SI Mamta.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

% **ORDER**
02.05.2025

CRL.REV.P. 170/2025

1. Criminal Revision Petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 read with Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioner, Akshay Sehrawat @ Ashu, to challenge the Order dated 20.03.2025 *vide* which the learned ASJ, (FTSC-POCSO)-03, has declined the request of the Petitioner for carrying out the Bone Ossification Test of the Prosecutrix.
2. It is submitted that according to the Petitioner/Accused, the age of the Prosecutrix was 19 years old at the time of commission of offence and therefore, Ossification Test may be carried out to ascertain her correct age.
3. Pertinently, the learned ASJ has rightly noted that first and foremost, this Application has been filed after recording the Statement of the Accused

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under Section 313 Cr.P.C. There is an inordinate delay in moving the Application. Furthermore, there is the School Record of the child, which has already been proved, to establish the age of the Prosecutrix, in accordance with Section 94(2) of the Juvenile Justice Care and Protection Act, 2015.

4. It is only in the absence of Birth Certificate from School and Birth Certificate by the Corporation, that the Ossification Test may be resorted to. The testimony of the witnesses from the School along with the documents has already been led, the evidentiary value of which shall be appreciated at the final stage.

5. Learned ASJ has rightly dismissed the Application. There is no merit in the present Petition, which is hereby dismissed.

6. The Petition is disposed of along with the pending Application.

NEENA BANSAL KRISHNA, J

MAY 2, 2025/RS

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