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

+ CRL.L.P. 174/2021 & CRL.M.A. 19104/2021

STATE

.....Petitioner

Through: Mr. Shoaib Haider, APP for the State.

versus

SANJAY AND ANR.

.....Respondents

Through: Mr. Siddharth Pandit, Mr. J.K.Sharma
and Mr. Vipin Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

11.03.2025

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CRL.L.P. 174/2021

1. Criminal Leave Petition under Section 378(3) of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) has been filed on behalf of the Petitioner/State seeking Leave to Appeal against the Judgment dated 26.09.2019 *vide* which the learned ASJ-06 (West), Tis Hazari Courts, Delhi, has acquitted the Respondent in Case arising out of FIR No. 530/2014 under Section 376/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) and Section 4 of the POCSO Act, 2012 registered at Police Station Nangloi.

2. Essentially, the Charge-Sheet under Section 376/109/354/34 of IPC and Section 4 of POCSO Act was filed. Thereafter, on 19.11.2014, the Charges were framed under Section 6 of POCSO and Section 34 of IPC.

3. The prosecution had recorded the statements of the Prosecutrix and the other witnesses.

4. Learned ASJ referred to the contradictions as highlighted in the testimony of the Complainant and Prosecutrix, and the delay in lodging of Complaint. The reasoning of the learned ASJ needs to be appreciated in the light of the fact that she was a small child of six years.



5. Considering the grounds sought for seeking Leave to Appeal, the Leave Petition is allowed.

Crl.A. _____/2025 (To be numbered by the Registry)

1. *Admit.*
2. Arguments heard.
3. Judgment reserved.

NEENA BANSAL KRISHNA, J

MARCH 11, 2025

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