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

+ **CRL.L.P. 287/2018**

THE STATE

.....Petitioner

Through: Mr Yudhvir Singh Chauhan, APP for State
SI Sheetal, PS-Mangolpuri

versus

RAJENDER

.....Respondent

Through: Mr. Rajiv Tehlan, Adv. (through VC)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.01.2025

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1. This is a petition seeking leave to appeal against the impugned judgment dated 09.02.2018 passed by the learned Additional Sessions Judge (North West)-01, Special Court, POCSO, Rohini District Courts, Delhi in S.C. No. 23/2015, FIR No. 79/2015, Police Station-Mangol Puri, under Section 354 IPC and Sections 9(m)/10 of POCSO Act, 2012, thereby acquitting the respondent.
2. It is stated by Mr Chauhan, learned APP appearing on behalf of the petitioner that in the present case, the learned Sessions Court has totally misread the evidence and the factual matrix and has been pleased to acquit the respondent for the offence punishable under Section 354 IPC and Sections 9/10 of POCSO Act.
3. The same is opposed by Mr Tehlan, learned counsel appearing on behalf of the respondent.
4. I have heard learned counsel for the parties.



5. In the present case, the statement of the child victim under Sections 161 Cr.P.C and 164 Cr.P.C are corroborative of each other.

6. The fact that in the evidence, the child victim has not stated about the second incident has weighed with the learned Sessions Court. It cannot be lost sight that the child is about 9½ to 10 years old and is not expected to remember each and every detail with precision. The second incident is corroborated by mother and father of the child who are eye witnesses to the second incident of 11.01.2015.

7. For the said reasons, *prima facie*, there is some merit in the submissions of the learned APP and the matter needs consideration and requires to be heard.

8. In this view of the matter, the petition seeking leave to appeal is allowed and the appeal is directed to be numbered.

CRL.A **(to be numbered)**

9. For the reasons stated in the appeal, the appeal is “**Admitted.**”

10. To be listed in due course.

11. The parties are at liberty to obtain copy of the Trial Court Records from the Registry in accordance with Delhi High Court Rules & Procedures.

JASMEET SINGH, J

JANUARY 27, 2025

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