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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 684/2018**
STATE

.....Petitioner

Through: Mr. Sunil Kr. Gautam, APP
WSI Preeti Ahlawat, PS Begumpur

versus

RAMESH CHAND

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
21.02.2025

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1. This is an application seeking grant of leave to appeal against the judgment dated 04.07.2018, passed by the learned ASJ (North West) - 01, Special Court (POCSO), Rohini District Courts, Delhi, whereby the respondent was acquitted of the offences under sections 354/354A of IPC, 1860 and under sections 7 and 8 of the POCSO Act.
2. The findings of the learned Sessions Court are contained in paragraph 8 of the impugned judgment dated 04.07.2018 which reads as under:

“8. Coming to the main incident, admittedly, there is delay in lodging the FIR and the same has not been explained plausibly by the prosecution. As per victim, she was sexually assaulted on 17.04.2015 at the examination centre but matter was reported to the police for the first time on 20.04.2015. Further, there are material variations in respect of nature and the place of



incident. The victim in her statement given to the police EX.PW3/A, had stated that on 17.04.2015 after the exam was over, the accused came to the school and she was talking to him on the second floor when all the other examinees have left at that time, the accused misbehaved with her whereas in her statement given to Ld. MM u/s 164 Cr.P.C. she has stated that she was cheating in the exam when flying squad came and accused brought her to the stairs and misbehaved with her there. In her deposition in the court, she has stated that accused took her to the stairs where she was cheating in the exam through a book when the flying squad came and all persons started running here and there and accused then misbehaved with her. She has given three different version of the sexual assault in three statements. She is not a reliable witness. Further, she admitted that she used to share everything with her sister yet she did not disclose anything about the alleged incident to any of her sister. Further, the statement of her father who is a prosecution witness also shows that accused has been falsely implicated in this case. His father has stated that he has only asked the accused to drop his daughter to the examination centre which he was doing for the victim as well as 10 other girls of the locality and he was not the invigilator at the examination centre. PW-7, the examination incharge of goodluck public school has also stated that accused was not on duty at the building where the victim was having examination centre on 17.04.2015 or on 20.04.2015 and as such presence of



the accused at the examination centre of the victim has not been proved by the prosecution. The IO PW-9 herself has stated that duty of the accused was in room no. 22 whereas the exam of the victim was in the main hall. This all shows accused has been falsely implicated in this case and no such incident took place and prosecution has failed to prove the offence against the accused. Accordingly, accused is acquitted. His bail bond stands cancelled .and surety bond stands discharged. Endorsement, if any on the documents of accused or his surety be cancelled. The original documents of accused or his surety, if on record, be returned to him forthwith.”

3. Even though there are some inconsistencies in the testimony of the prosecutrix, the fact remains that no plausible explanation has been given in the impugned judgment dated 04.07.2018 as to why the prosecutrix would implicate the respondent in the present matter.
4. At the time of the offence, the prosecutrix was in Class 10th and was in a position to understand the acts of the respondent.
5. I am of the view that the said issue needs consideration.
6. On the last date of hearing, the respondent had appeared, however, there is no appearance on behalf of the respondent today.
7. For the reasons noted above, the petitioner is granted leave to appeal against the judgment dated 04.07.2018, passed by the learned ASJ (North West) - 01, Special Court (POCSO), Rohini District Courts, Delhi.
8. The application is disposed of accordingly.

CRL.A. / 2025 (TO BE NUMBERED)

9. Since the leave to appeal has been granted, Let the registry number the



appeal.

10. Since the appeal is of the year 2018, list the appeal for hearing on 17.07.2025.

JASMEET SINGH, J

FEBRUARY 21, 2025 / (MS)

Click here to check corrigendum, if any