



2026:DHC:3821



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

Reserved on: April 28, 2026

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Pronounced on: May 05, 2026

+ **CRL.REV.P. 991/2024 & CM No.22656/2024**

GOURV @ GOLDY

...Revisionist

Through: Mr. Pratap Singh, Adv.

Versus

STATE (NCT OF DELHI) & ANR.

...Respondents

Through: Mr. Satish Kumar, APP with Ms. Divya Bakshi, Mr. Aditya Vikram Singh, Mr. Gourav Singha and Ms. Upasna Bakshi, Advocates with SI Asha, PS: Savita Vihar Ms. Sunita Arora, Adv. (DHCLSC) for R-2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Section 397* of the Code of Criminal Procedure, 1973¹, the petitioner seeks setting aside of the order dated 23.02.2024² passed by the learned Additional Sessions Judge, Saket Courts, Delhi³ in SC No.120/2022 arising out of FIR No.448/2021 dated 24.12.2021 registered at PS: Sarita Vihar, whereby charges have been framed

¹ Hereinafter '*CrPC*'

² Hereinafter '*impugned order*'

³ Hereinafter '*Trial Court*'



against him under *Sections 376(2)(f)/506* of the Indian Penal Code, 1860⁴ and *Section 6* of the Protection of Children from Sexual Offences Act, 2012⁵.

2. *Succinctly put*, as per FIR, the petitioner forcefully established physical relations with the prosecutrix, a *13-year-old* girl, between 01.10.2021 and 02.10.2021 between 11:00 AM to 12:00 PM, which had already been attempted by him once before in the month of July, however, due to his threats and intimidation, the prosecutrix was unable to convey about it to her parents till 23.12.2021. The FIR was then registered on 24.12.2021. After medical examination of the prosecutrix on the same date, the petitioner was arrested, his disclosure statement was recorded and a pointing out memo was prepared whereby he allegedly identified the exact room where he committed the offence. The chargesheet as well as the supplementary chargesheet were then filed by the Police and the charges were framed against the petitioner *vide* the impugned order, *albeit* in the meanwhile, he was granted regular bail by learned Trial Court on 09.03.2022.

3. Before this Court, learned counsel for the petitioner primarily submitted that the FIR is false and fabricated, as also there is no evidence on record to corroborate the claims of the prosecutrix. As such, as per him, no case is made out against the petitioner and the impugned order is liable to be set aside. Moreover, the learned counsel submitted that the FIR itself has *two* different dates of the alleged commission of the offence, as also there is a

⁴ Hereinafter '*IPC*'

⁵ Hereinafter '*POCSO Act*'



delay of 83 days of its registration, and that too, without any cogent and substantive reasoning thereto, thus casting a doubt over the veracity thereof. He submitted that the prosecution version has changed during the course of *Sections 161/164 CrPC* statements of the prosecutrix and her parents, as the prosecutrix only later mentioned that the date of the offence was 01.10.2021 coupled with certain details about tying of her mouth and hands, which were included later.

4. The learned counsel also submitted that despite there being *four* CCTV cameras around the alleged place of the incident at certain shops, the footage thereof has not been provided to the petitioner, as also the CDR of the mobile phone of the petitioner shows that he was about 8 km away from the house of the prosecutrix during the relevant date and time, as he was sick and working from his own house in Badarpur. He then submitted that the real motive behind filing of the FIR by the prosecutrix and her family was the outstanding loan amount of almost about Rs.7,75,649/- paid digitally, in cash, as well as through credit card by the petitioner to the father of the prosecutrix from time to time. This sum remains unpaid despite demanding by the petitioner. He lastly submitted that there is no merit in the case of the prosecution, and all proceedings against the petitioner ought to be quashed.

5. Learned APP for State, on the other hand, opposed the present petition in view of the serious offences and allegations contained in the FIR. So much so, that the petitioner has not only been specifically named therein, the acts done by him have also been clearly stated. The prosecutrix has never



contradicted the above in her subsequent statements under *Sections 161/164 CrPC*. In fact, the above are supported by the statements of her parents. The learned APP further submitted that since a *prima facie* case is made out against the petitioner, and all other questions *qua* its veracity can only be tested through trial, the present petition ought to be dismissed.

6. Heard learned counsel for the petitioner as well as the learned APP for the State, as also carefully perused the documents on record.

7. While dealing with an order framing of charges passed by the learned Trial Court, this Court is to bear in mind that the same did/ does not require conducting of a '*mini-trial*'. Simply put, it was not for the learned Trial Court to determine whether the petitioner was/ is likely to be convicted after trial or not and/ or the final outcome of the FIR resulting in the guilt of the accused therein. As per trite law, especially as delineated by the Hon'ble Supreme Court in ***State of Rajasthan vs. Ashok Kumar Kashyap***⁶, ***State vs. G. Easwaran***⁷, for proceeding to frame charges, the learned Trial Court was/ is only required to be *prima facie* convinced on the basis of materials collected by the prosecution before it. If there are sufficient grounds for its satisfaction like there being grounds for the petitioner to have committed the offence alleged, there is nothing wrong with the learned Trial Court proceeding to frame charges against an accused.

⁶ (2021) 11 SCC 191

⁷ 2025 SCC OnLine SC 643



8. In the present case, based on the specific allegations levelled against the petitioner, the age of the prosecutrix, i.e. she was a minor at the time of the incident, the confirming material on record against him, and the contents of the impugned order passed by the learned Trial Court lead this Court to the conclusion that there is no infirmity therein. In any event, this Court is not to undertake a roving inquiry into the aspects pertaining to the CDR analysis, CCTV footage, the motive of the prosecutrix, seen together with any prior alleged financial transactions between the parties, etc. even the aspect of delay in lodging the FIR can only be adjudicated after conclusion of the trial.

9. Furthermore, it is to be borne in mind that this Court is not sitting in an appellate jurisdiction but in a revisional one, where, unless there is any illegality/ irregularity/ patent error/ perversity/ arbitrariness in the impugned order, there is hardly any reason calling for a change therein. As held by the Hon'ble Supreme Court in ***Amit Kapoor vs. Ramesh Chander & Anr.***⁸, the revisional jurisdiction is not to be exercised in a routine manner.

10. This Court, thus, cumulatively in view of the afore-going, finds that the grounds sought to be raised by learned counsel for the petitioner herein are no reasons for interference with the impugned order, particularly, whence this Court is dealing with a revision petition.

11. Therefore, finding no perversity/ illegality/ irregularity/ patent error/ perversity/ arbitrariness in the impugned order, the present petition is dismissed.

⁸ (2012) 9 SCC 460



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12. Needless to say, the observations made by this Court herein are for the purposes of adjudication of the present petition and shall have no bearing on the overall trial involved, and the petitioner shall be free to take any or all of the aforesaid contentions before the learned Trial Court.

SAURABH BANERJEE, J

MAY 5, 2026/Ab/RS