



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

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Judgment Reserved on: 10.02.2026
Judgment pronounced on: 17.02.2026

+ CRL.A. 316/2018

RAM JATAN YADAV@RAM JATTAN YADAVAppellant

Through: Mr. Bhupinder Yadav, Advocate.

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for the State with S.I. Mary Deswal, P.S. Civil Lines, Delhi.

Mr. Himanshu Anand Gupta, Advocate (DSL SA) with Ms. Mansi Yadav, Mr. Sidharth Barua, Mr. Shekhar Anand Gupta, Mr. Mike Desai, Mr. Navneet Kaur, Ms. Shivani Rampal, Advocates.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. This appeal under Section 374(2) of the Code of Criminal Procedure, 1973 (the Cr.P.C.) has been filed by the sole accused in Sessions Case No. 28241/2016 on the file of Additional Session



Judge-05, (Central), Tis Hazari, Delhi, assailing the judgment dated 14.12.2017 and order on sentence dated 18.12.2017 as per which he has been convicted and sentenced for the offences punishable under Sections 341 of the Indian Penal Code, 1860 (the IPC) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (the PoCSO).

2. The prosecution case is that on 29.07.2015, at about 9:45 PM, while PW2 was returning home from her maternal grandmother's house, the accused wrongfully restrained her, sexually assaulted and criminally intimidated her. It was also alleged that for about six months prior to the incident, the accused had been stalking and harassing PW2. Hence, as per the charge sheet/final report, the accused was alleged to have committed the offences punishable under Section 341, 354D IPC and Section 8 PoCSO Act.

3. On the basis of Ext. PW2/A FIS of PW2, given on



31.07.2015, Crime No. 301 of 2015, Civil Lines Police Station, that is, Ext. PW1/A FIR was registered by PW6, Woman Sub-Inspector (WSI). PW6 conducted investigation into the crime and on completion of the same, filed the charge-sheet/final report alleging commission of the offences punishable under the aforementioned Sections.

4. When the accused was produced before the trial court, all the copies of the prosecution records were furnished to them as contemplated under Section 207 Cr.P.C. After hearing both sides, the trial court as per order dated 09.02.2016, framed a Charge under Sections 341, 354D, 363, 506 IPC and Sections 8 and 12 of the PoCSO Act, which was read over and explained to the accused, to which he pleaded not guilty.

5. On behalf of the prosecution, PWs. 1 to 6 were examined and Exts. PW1A-C, PW2/A-C, PW3/A-B, PW4/A, PW6/A and Mark 3A.



6. After the close of the prosecution evidence, the accused was questioned under Section 313(1)(b) Cr.P.C. regarding the incriminating circumstances appearing against him in the evidence of the prosecution. He denied all those circumstances and maintained his innocence, stating that he had been falsely implicated in the present case. He stated that he had given a loan of ₹6,000/- to the father of PW2 about one year before the alleged incident, and when he asked for his money back, the father of PW2 started quarrelling with him, and a complaint under Section 107/151 Cr.P.C was also registered on 29.07.2015. He further stated that PW2 has levelled false allegations against him at the instance of her parents because of the said quarrel. He was beaten by the father and brother of PW2, which also caused him injuries.

7. After questioning the accused persons under Section 313(1)(b) Cr.P.C., compliance of Section 232 Cr.P.C. was mandatory. In the case on hand, no hearing as contemplated under



Section 232 Cr.P.C. is seen done by the trial court. However, non-compliance of the said provision does not *ipso facto* vitiate the proceedings unless omission to comply with the same is shown to have resulted in serious and substantial prejudice to the accused (see **Moidu K. versus State of Kerala, 2009 (3) KHC 89; 2009 SCC OnLine Ker 2888**). In the case on hand, the accused has no case that non-compliance of Section 232 Cr.P.C. has caused any prejudice to him.

8. On behalf of the accused, DWs. 1 to 3 and Exts. DW1/A and A1 were marked.

9. Upon consideration of the oral and documentary evidence and after hearing both sides, the trial court, *vide* the impugned judgment dated 14.12.2017, held the accused guilty under Section 235(2) Cr.P.C. of the offences punishable under Section 341 IPC and Sections 8 and 12 of the PoCSO Act. Consequently, the trial court *vide* order dated 18.12.2017 sentenced the accused to



undergo rigorous imprisonment for a period of one month for the offence punishable under Section 341 IPC and to fine of ₹500/- and in default of payment of fine, to simple imprisonment for seven days; to rigorous imprisonment for a period of one year and fine of ₹1,000/- for the offence punishable under Section 12 of the PoCSO Act and in default of payment of fine, to simple imprisonment of 03 months and rigorous imprisonment for a period of three years and fine of ₹1,000/- for the offence punishable under Section 8 of the PoCSO Act and in default of payment of fine, simple imprisonment of six months. The sentences have been directed to run concurrently. Benefit under Section 428 Cr.P.C has also been granted. Aggrieved, the appellant/accused has come up in appeal.

10. The only point that arises for consideration in this appeal is whether the conviction entered and sentence passed against the appellant/accused by the trial court are sustainable or not.



11. It was submitted by the learned counsel for the appellant/accused that there was an inordinate delay of two days in lodging the FIR after the occurrence of the incident, which delay has not been explained. Even assuming that the delay of one day has been explained by the prosecution i.e., upto 30.07.2015, no explanation whatsoever has been offered as to why the FIR was not lodged upto 31.07.2015. It was further submitted that the appellant has been falsely implicated due to a pre-existing monetary dispute. The parents of PW2 had borrowed money from the appellant and were reluctant to repay the loan. Owing to this dispute, a fight had ensued between the accused and the parents of PW2 and Annexure A3 *Kalandra*, under Section 107/151 Cr.P.C. was lodged against the appellant on 29.07.2015. The learned counsel also pointed out that on the night of 29.07.2015, the appellant was not arrested in connection with the offences alleged in the present case. He submitted that Ext. A1, the MLC of the



appellant/accused does not record any injury on his hand, despite PW2 having categorically stated in her deposition that she had bitten the appellant on his hand. Lastly, it was submitted that DW2 has conclusively proved the existence of the dispute relating to the monetary transaction. In the light of the aforesaid facts, the trial court ought not to have found the accused guilty of the offences alleged against him, goes the argument.

12. *Per Contra*, it was submitted by the learned Additional Public Prosecutor that there is no infirmity in the judgment of the trial court calling for an interference by this Court.

13. I shall now briefly refer to the materials on record relied on by the prosecution in support of the case. PW2/A, the FIS of PW2, recorded on 31.07.2015 in Hindi translated roughly reads thus:- *“I study in 8th grade at Sarvodaya Kanya Vidyalaya, Majnu Ka Tila, Delhi. My father works as a guard, and my mother, Vidya Devi, does private work. A man named Ramjatan lives near our*



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house. For the last six months, he has been following me on my way to and from school. He used to threaten me, saying I shouldn't tell anyone at home and he used to show me notes in his hand. On the night of 29.07.2015, around 9:45 PM, when I was returning home from my nani's (maternal grandmother's) house with some water, Ramjatan was standing in the street. He grabbed my hand, covered my mouth with his hand, and he touched my chest (मेरी छाती पर हाथ लगाया....) and started dragging me toward his jhuggi. When I tried to push him away and run, he grabbed my T-shirt, causing it to tear from left arm. I bit his hand to free myself and ran home. However, out of fear, I didn't tell my parents. I only told them that Ramjatan harasses me. When my mother confronted him, he started fighting with us, about which we complained. On the evening of 30.07.2015, when I was still upset, my mother asked me again kindly, and I told her the whole truth that Ramjatan stopped me and hit me on the chest, and threatened me. (मम्मी ने मेरे से प्यार



से पूछा तो मैंने सारी बात सच-सच बता दी रामजतन ने मुझे रोक कर मेरी छाती पर हाथ मारा और धमकाया....). *My mother went to the police station to complain, so the police came to my house and I told the truth....”*

13.1 PW2, in her 164 statement marked as PW2/D recorded on 04.08.2015, reiterated her case in the FIS. She stated that when she goes to school in the morning, the accused would come out of his house and follow her all the way to school. This used to happen every day. He used to show her 50 rupee note every day. When she told him that she would tell her mother, he threatened her and said that he would throw acid on her face and rape her. On 29.07.2015 at about 9:00 PM and 9:30 PM, when she was returning from her *nani's* house with water, Ram Jatan grabbed her hand and started dragging her toward his jhuggi. He covered her mouth with his other hand. He dragged her to the front of his house and began pressing her chest. She tried to free herself and bit his hand. As she



attempted to run away, he grabbed her T-shirt, causing it to tear at the sleeve. She ran and went to her house.”

13.2. PW2 in the box deposed that on 29.07.2015 at about 09:45 p.m., while she was returning from the house of her maternal grandmother, it was dark and the accused was found standing in the *gali*. He suddenly put his hand on her mouth, gagged her, pulled her towards himself, and started touching her breast. She tried to free herself and, after biting his hand, managed to free herself and run away. The accused attempted to catch hold of her, and in that process, the sleeve of her shirt was torn. She deposed that prior to the incident, the accused used to make indecent gestures towards her and also used to stand in front of her school. The accused also used to show currency notes to her. She also deposed that for about 10–15 days prior to the incident, the accused had been doing the above-mentioned acts. She did not disclose the incident to anyone as she was scared of the accused,



who used to stare at her in a menacing manner. PW2 identified her T-shirt marked as Ext. P1, which she was wearing at the time of the incident.

13.3. PW2 in her cross-examination admitted that a quarrel had taken place on 29.07.2015 between her family and the accused. On the day of the incident, she had only disclosed that the accused tried to catch hold of her, and on this information, her father went to the house of the accused to question his behaviour. She denied that any quarrel had taken place on 25.07.2015 or 27.07.2015 between her family and the accused. She stated that she could not raise alarm as the accused had gagged her mouth with his hand, and that she did not raise any alarm while running away. She further stated that no one was present at the time of the incident or while she was running away. She denied that there was any monetary dispute between her family and the accused. She stated that the accused sustained injury during the quarrel on



29.07.2015. She further deposed that one girl had seen the accused when he used to stand in front of her school and make indecent gestures. She denied the suggestions that she was deposing falsely, or that no incident had taken place, or that the accused never made indecent gestures.

14. PW3, the mother of PW2, identified the accused in the court and deposed that the accused was having an evil eye on her daughter. On 29.07.2015, her daughter had gone to fetch water from her mother's house, who was residing in the same lane, four houses away from the house of the accused. When PW2 returned, she found her to be very disturbed. On her persistent asking, PW2 disclosed that the accused had caught hold of her hand, and her clothes were found torn. She went to the house of the accused and slapped him twice. On seeing this, the public gathered there and they also started slapping the accused. Thereafter, the accused himself went to the Police Post. She was also called to the Police



Post, where, fearing social stigma, she did not disclose the entire facts. On the next day, when she returned from work, she found her daughter very disturbed and had not attended school. On enquiries, her daughter disclosed the entire incident.

14.1. In her cross-examination, PW3 denied any financial dispute between her family and the accused. She admitted that a quarrel had earlier taken place with the accused in April 2014. She clarified that the present incident occurred on 29.07.2015 and not on 27.07.2015, and that the accused was not under the influence of liquor at the time of the incident. She admitted that at the time of the first incident on 29.07.2015, she had stated to the police that the accused was creating a ruckus under the influence of liquor. It had taken about 20–25 minutes for her daughter to return from her *nani*'s house. She further deposed that she did not suspect anything initially, as she believed her daughter was spending time with her maternal family. According to PW2, people generally frequented



the alley, but after 9:30 p.m., most remained inside their houses, and that there were about 100 *jhuggies* in the alley. PW2 further deposed that her daughter disclosed the incident to her between 09:45 and 10:00 p.m. on the same night.

15. The accused offered himself as a witness and he was examined as DW1. According to him, on 29.07.2015 at about 9:00 p.m., while the father of PW2 was passing through the front of his house, he demanded repayment of the borrowed money of ₹6,000/-, which the latter had taken on the occasion of the marriage of his daughter. However, PW2's father refused to pay the amount, quarrelled with him, and threatened him. DW1 further deposed that PW2's father was carrying a '*plass*' in his hand with which he gave blows on his forehead and eyes, as a result of which he sustained injuries. Many people gathered at the spot. In his cross-examination, DW1 admitted that he had not taken any receipt for the loan of ₹6,000/-. He was unable to tell the name of the



daughter for whose marriage the said loan had been given.

15.1 DW2 deposed that he knows the accused as he lives in the same locality. On 31.07.2015, he overheard the accused quarrelling with his neighbour, whose name he does not know, regarding '*len-den*'.

15.2 DW3, wife of the accused reiterated the case of her husband. In her cross-examination, DW3 deposed stated that her husband had given ₹6,000/- about two and a half years prior to the date of the incident, at the time of the marriage of the elder sister of PW2. She denied the suggestion that her husband was having an evil eye on PW2 that he had done any '*cherkhani*' with her. She further denied the suggestion that any quarrel had taken place on the said issue.

16. The fact that PW2 was minor at the time of the incident is not disputed. To establish an offence under Section 341 IPC, the prosecution must prove that the accused wrongfully restrained



PW2 and voluntarily obstructed PW2 so as to prevent her from proceeding in a direction in which she had a right to proceed. PW2 has consistently stated in her FIS, Section 164 statement, and deposition before the Court that on 29.07.2015, while she was returning to her house from her maternal grandmother's house, the accused stopped her in the alley, caught hold of her hand, gagged her mouth and dragged her towards his jhuggi, thereby preventing her from proceeding to her house. This version has remained consistent on material particulars and has not been shaken in cross-examination.

17. Section 7 of the PoCSO Act defines sexual assault. It says that whoever, with sexual intent, touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration. PW2 has categorically deposed that the



accused touched/pressed her chest/breast while gagging her mouth and dragging her. The torn T-shirt Ext. P1, identified by PW2 and noticed by the trial court as having a torn left sleeve, further corroborates her testimony. PW3, mother of PW2, also noticed the torn clothes immediately on PW2's return on the date of the incident.

18. Section 11(iv) of the PoCSO Act states that a person commits sexual harassment upon a child when, such person with sexual intent, repeatedly or constantly follows, watches, or contacts a child either directly or through electronic, digital, or any other means. PW2 has stated that the accused used to make indecent gestures and follow her for days.

19. It is true that the FIR in the present case was not lodged immediately on the date of the incident, that is, on 29.07.2015. The FIS was lodged only on 31.07.2015. However, PW2 has consistently stated that out of fear and shock, she did not disclose



the entire incident to her parents on the same day and had only partially informed them. The evidence further shows that a quarrel took place on the same night, the police reached the spot, and the accused was taken to the police post in connection with the quarrel. Thus, the police machinery was already set in motion on the date of the incident itself, though initially the matter was treated as a quarrel. In **State of Punjab v. Gurmit Singh, (1996) 2 SCC 384**, it was observed that the courts cannot overlook the fact that in sexual offences delay in the lodging of the FIR can be due to variety of reasons particularly the reluctance of the prosecutrix or her family members to go to the police and complain about the incident which concerns the reputation of the prosecutrix and the honour of her family. It is only after giving it a cool thought that a complaint of sexual offence is generally lodged. The delay has not resulted in any inconsistency in the version of PW2. Her account has remained consistent in the FIS, her statement under Section



164 Cr.P.C., and her deposition before the Court. Accordingly, the delay in lodging the FIR is not fatal to the prosecution case, and does not cast any doubt on the veracity of the prosecution version.

20. The argument of the learned counsel for the appellant regarding the absence of bite mark in Ext. A1 MLC of the accused, does not create any doubt in the prosecution case. The alleged act of biting was only an incidental act explaining how PW2 escaped, and not an ingredient of the offence.

21. The version of the appellant/accused of false implication due to a monetary dispute is not probalised by materials on record substantiated. DW1 could not even name the sister of PW2 for whose marriage the amount was alleged to have been paid. In **State (NCT of Delhi) v. Pankaj Chaudhary, (2019) 11 SCC 575**, the Apex Court observed that a conviction can be sustained on the sole testimony of the prosecutrix if it inspires confidence, and there is no rule of law or practice that the evidence of the



prosecutrix cannot be relied upon without corroboration. It is also settled law that the sole testimony of a victim can be relied upon to decide a case of sexual assault, provided it is clear, trustworthy and reliable, as held in **Ganesan v. State, (2020) 10 SCC 573**. I do not find any reason(s) to reject or discard the testimony of PW2. In such circumstances, the finding of guilt of the accused by the trial court for the offence punishable under Section 341 IPC and Sections 8 and 12 of the PoCSO Act suffers from no infirmity calling for an interference by this Court

22. In the result, the appeal *sans* merit is dismissed. Application(s), if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

FEBRUARY 17, 2026/ER