



\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.REF. 3/2024

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Abhir Datt, *Amicus Curiae*

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC
along with Mr. Arjit Sharma,
Ms. Sakshi Jha, Advts. and SI
Pinki, PS Sultanpuri

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

%

17.03.2026

1. This reference has been registered on the following questions being referred by the learned ASJ (FTSC), POCSO, North West, Rohini Courts vide order dated 07.11.2024 passed in Sessions Case No. 354/2021 titled as *State vs. Ramesh & Ors.* arising out of FIR No.513/2021, registered at PS Sultan Puri:

"Q. i) How the age of victim/child is to be reckoned when no age bracket has been provided in bone ossification test?

Q. ii) Whether the 'margin of error' is to be applicable when no age bracket has been provided in Bone Ossification Test".

2. The learned Amicus as also the learned Additional Standing Counsel for the State submit that the questions being referred are in the effect seeking an opinion on the manner of appreciation of evidence lead before the learned Trial Court.



3. We are in agreement with the submission made.
4. It is for the learned Trial Court to determine how the age of the victim/child is to be reckoned on the evidence lead before it. In determination of the said questions of fact, the learned Trial Court can also exercise its power, including under Section 348 of the BNSS (Section 311 of Cr.P.C.), if so warranted.
5. In view of the above, we dispose of this reference leaving it open to the learned Trial Court to adjudicate on the above question of fact on the evidence lead before it.
6. We record our appreciation for the learned *Amicus* for assisting us in this matter.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

MARCH 17, 2026/gs/sk/ik