

SC No. 9382/16
FIR No. 101/10
PS : Barakhamba Road
State Vs. Nand Lal @ Raj Kumar

31.01.2018

Present: Sh. Kamal Akhtar, Ld. Addl. PP for the State.

Accused is present on bail with Ld. counsel Sh. Rakesh Nautiyal.

This case was today fixed for recording of statement of accused U/s. 313 Cr.P.C. and also for disposal of an application filed by the defence U/s. 311 Cr.P.C. However, today Ld. PP has filed an application seeking transfer of this case to the designated Children's Court. Ld. PP has pointed out that in the charge itself, framed against the accused, it is clearly mentioned that the prosecutrix was below 18 years of age when the offences punishable U/s. 363, 366 and 376 of IPC were allegedly committed against her. His contention therefore is that the present case, on the basis of the framing of the charges has to be tried and decided by the designated Children's Court as per Section 25 of The Commissions for Protection of Child Rights, 2005.

Ld. Defence Counsel Sh. Rakesh Nautiyal fairly concedes that in view of the charges framed, this case has to be tried by the designated Children's Court only as per Section 25 of The Commissions for Protection of Child Rights, 2005.

In view of the application filed by the Ld. PP and the provisions of Section 25 of The Commissions for Protection of Child Rights, 2005 and taking into consideration the charges framed in this case, this court is also of the considered opinion that the present case is to be decided by the designated Children's Court. As such, the application filed by Ld. PP stands allowed and let this file be therefore placed before Ld. District & Sessions Judge, Patiala House Courts with a request that this case be transferred to the court of Ld. ASJ-01, the designated Children Court for further trial. Accused to appear before Ld. District & Sessions Judge, Patiala House Court on **02.02.2018 at 2:00 pm.**

Ahlmad is directed to send the file to the court of Ld. District & Sessions Judge, Patiala House Court, immediately complete in all respects.

(Anu Grover Baliga)
ASJ/FTC/Court No.7/PHC
Lockup Building/31.01.2018