

SC No. 310/2017
FIR No. 100/17
PS Naraina
State v. Mohd. Kasif

13.02.2018

Present: Sh. Kamal Akhtar, Ld. Addl. PP for the State.
Accused produced from JC.
Mohd. Salman and Sh. Rahat Chaudhary, Ld. Counsels for
the accused.
Prosecutrix in person with her father.
Ms. Purnima, Ld. Counsel for DCW.

The prosecutrix has today been cross-examined by the Ld. Defence Counsel. After the said cross-examination, Ld. Addl.PP for the State has filed an application praying therein that the age of the prosecutrix be got determined by a Medical Board.

On the submissions of Ld. Addl.PP for the State that the prosecutrix had never gone to any school and that her age was written as 19 years by the IO only on the basis that her father had informed her age to be 19 years, this court has put a query to the father of the prosecutrix about her age and he has submitted that he himself has not gone to any school but that his ID card mentions his date of birth as 1977 and that he had got married when he was 14 years old. He is unable to exactly give the year of birth of the prosecutrix and has submitted that he had given the age of the prosecutrix as 19 years during investigation by approximation.

Keeping in view the gravity of the offence that has been allegedly committed by the accused and the deposition of the prosecutrix recorded today that she had gone of her own will with the accused thinking that he will tell some nice thing about her and that she liked him, but that she had not anticipated that the accused will commit the sexual act with her, this court is of the considered opinion that the application filed by the Ld. Addl. PP for the State is to be allowed and the age of the prosecutrix is required to be determined by a Medical Board. Accordingly,

it is hereby directed that the IO of this case SI Indu should get the medical examination of the prosecutrix conducted from LHMC (the hospital where the prosecutrix was initially examined) and the Medical Superintendent of LHMC is hereby directed that a Medical Board be constituted to determine the age of the prosecutrix and the report in said regard be filed before this court preferably within four weeks from today. Copy of this order be sent to the IO immediately.

This case now stands fixed for **15.03.2018**.

(Anu Grover Baliga)
ASJ/FTC/Court No.7/PHC
Lockup Building/13.02.2018