

SC No. 2611/16
State Vs Dalip Kumar & Anr.
FIR No. 115/16
PS Pul Prahladpur
U/s 342/366/376(2(i)&(n) IPC & 6/17 of POCSO Act
09.03.2018

Present : Shri Anil, Ld. Regular Addl. PP for the State is on leave
Shri K.P. Singh, Ld. Substitute Addl. PP for the State
Accused Dalip Kumar on bail with counsel, Shri M.S.
Karwasra
Accused, Maya on bail with counsel, Shri Rajesh Kumar
Singh
IO/SI Manju in person

Submissions on the point of charge heard from both sides. Record perused. It is being submitted by the learned counsels for applicants that there are contradictions in the statement of complainant/ prosecutrix recorded by the police and that recorded U/s 164 Cr.P.C. by the Ld. MM. It is being submitted that even FSL report does not connect that accused, Dalip Kumar to the alleged offence.

Per contra, the Ld. Substitute Addl. PP for the State has argued that the prosecutrix/victim has categorically stated that she was taken by the accused, Maya from her house for the purpose of compelling her to illicit intercourse and that the accused, Maya had bolted the door of the accused's room at Vishwakarma Colony from outside to facilitate commission of rape by the accused, Dalip Kumar upon the minor victim aged about 15 years on 01.09.2015.

I have perused the record. After hearing the arguments on behalf of the State and the learned counsels for the accuseds and perusal of charge sheet and accompanying documents, prima-facie case under Section 376(2) (i)&(n)/342 IPC alongwith Section 6 of Protection of Children from Sexual Offences Act, 2012 Act is made out against the accused, Dalip Kumar whereas prima-facie case U/s 366/342 IPC alongwith Section 17 r/w Section 6 of POCSO Act is made out against the accused, Maya. Accordingly, charges have been framed against the accuseds, Dalip Kumar and Maya, to which accuseds pleaded not guilty and claimed for trial.

Let the prosecutrix be summoned for next date.

Put up for PE on 28.04.2018.

(PREM KUMAR BARTHWAL)
ASJ-01-SE, Special Court(POCSO)
Saket Court, New Delhi/09.03.2018