



\$~1

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

+ **CRL.A. 490/2019**

NOOR ISLAM

..... Appellant

Represented by: Mr. M. Rais Farooqui, Advocate with
Mr.R.Ali Zaidi, Advocate.

versus

THE STATE (GOVT. OF NCT) OF DELHI

..... Respondent

Represented by: Mr.Mukesh Kumar, APP for the State
with SI Vikas Singh, P.S.South
Rohini.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **05.09.2022**

CRL.M.B. 725/2022 (for suspension of sentence)

1. By this application, the appellant seeks suspension of sentence pending hearing of the appeal.
2. Learned counsel for the appellant contends that the prosecutrix was not a minor as per the testimony of her mother and thus, provisions of Section 6 of the POCSO Act do not apply in the present case. According to the learned counsel for the appellant, when the mother of the prosecutrix deposed before the Court, she stated that the prosecutrix was aged 15 years and in her cross-examination, she clarified that she got married at the age of



17 years and after 2-3 years of marriage, first child was born and 2-3 years thereafter, prosecutrix was born.

3. The prosecution has proved the age of the prosecutrix by examining the school certificate through PW-3 wherein her date of birth was mentioned as 5th April 2003. The alleged offence took place in March 2016 and thus, as per the school records, the prosecutrix was a minor at the said time.

4. Thus, prima facie, no infirmity has been pointed in the impugned judgment. The appellant has undergone nearly 4 years imprisonment. Thus, this Court finds no ground to suspend the sentence of the appellant at this stage.

5. Application is dismissed.

6. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

ANISH DAYAL, J.

SEPTEMBER 5, 2022/akb