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

+ **CRL.REV.P. 359/2022**

PRADEEP

.....Petitioner

Through: Mr. Archit Upadhayay, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
Inspector Ritesh, PS Raj Park

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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19.08.2025

1. The revisionist has assailed order of the trial court whereby charge for offence under Section 363/376(2)(n)/366 IPC and in the alternative, Section 6 POCSO Act and Section 67A of IT Act was framed against the revisionist.
2. According to the material collected during investigation and forming part of the chargesheet, the revisionist is about 09 months younger than the prosecutrix. As alleged by prosecution, some of the incidents of rape took place when both of them were minor in age and some of the incidents took place after they had attained the age of majority. As regards those incidents of the alleged rape when both were minor, the trial can be conducted only before Juvenile Justice Board according to revisionist. More importantly, in view of the age gap, there was a period of 09 months when the prosecutrix had become major in age while the revisionist was a minor. The offences under POCSO Act being gender-neutral, learned counsel for revisionist



contends that even the prosecutrix has to be prosecuted.

3. Since none appears for prosecutrix and it already being 04:30pm, passover awaiting her is not possible, relist on 04.12.2025.

GIRISH KATHPALIA, J

AUGUST 19, 2025/ry