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

+ CRL.REV.P. 19/2020 & CRL.M.A. 455/2020

STATE

..... Petitioner

Through: Mr. Hirein Sharma, APP for State with SI Reena,
P.S. Jyoti Nagar

Versus

AMIT

..... Respondent

Through: Respondent alongwith his brother in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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01.02.2022

1. By way of the present petition, the petitioner/State has challenged the order dated 05.09.2019 passed by the learned ASJ-01 (POCSO), Shahdara District, Karkardooma Court, Delhi in SC No. 205/2018, whereby the closure report filed on behalf of the Investigating Officer was accepted.

2. It is noted that the closure report was based on the basis of the conclusion of the Medical Board of IHBAS, wherein it was stated that the respondent was *diagnosed as a case of Moderate Mental Retardation with mental age less than 6 years (I.Q. 47)*.

3. Learned APP for the State submits that although the Investigating Officer has filed the closure report, however, the petitioner/State is aggrieved by the same and has referred to the order dated 13.01.2020, vide which this Court had issued notice to the respondent.

4. Today, the respondent alongwith his brother, namely, *Pawan* has joined the V.C. proceedings and is identified by the Investigating Officer/W/SI Reena, P.S. Jyoti Nagar, Delhi. Learned APP for the State, on instructions, submits that the

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respondent has prayed that a Counsel at State's expense may be provided to him to represent him in the present case.

5. Accordingly, learned Secretary, Delhi High Court Legal Services Committee is requested to appoint a panel Counsel for the respondent in the present case in accordance with rules.

6. It is noted that the present case relates an FIR registered under Section 376 IPC and Section 6 of the POCSO Act. The child victim was aged about 2 years. However, at the time of passing of the impugned order, the Court had noted that the complainant had not appeared despite service of notice and grant of proper opportunity. This Court however, deems it apposite that notice be also served on the complainant through the Investigating Officer.

7. List on 23rd May, 2022.

8. The Secretary, Delhi High Court Legal Services Committee be apprised of the order passed today.

MANOJ KUMAR OHRI, J

FEBRUARY 1, 2022

p'ma

[Click here to check corrigendum, if any](#)

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