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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 813/2024

RAVI SINGH

.....Appellant

Through: Mr. Sameer C. (DHCLSC), Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through:

Mr. Pradeep Gahalot, APP for State

Mr. Rajneesh Bhaskar, Advocate

(DHCLSC) and Mr. Binuja Biju, Advocates
for survivor/R2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.08.2025

CRL.M.(BAIL) 1456/2024 (suspension of sentence)

1. The present application has been filed seeking suspension of sentence during the pendency of the appeal.
2. By way of the present appeal, the appellant seeks to assail the judgement of conviction dated 16.04.2024 and the order on sentence dated 29.05.2024 vide which he has been directed to undergo rigorous imprisonment for a period of 10 years for the offence punishable under Section 6 read with Section 5(m) of POCSO Act alongwith payment of fine of Rs.2,000/-. The benefit of Section 428 Cr.P.C. has also been provided to the appellant.
3. Learned counsel for the appellant states that the statement of the child victim does not inspire the confidence as the MLC does not indicate rupture of hymen.
4. Learned APP for the State, duly assisted by learned counsel for the complainant, has vehemently opposed the present application. He states that as per the statement of the child victim, she has categorically stated that the appellant had put his penis in her mouth and further attempted to insert it in her vagina. He has also referred to the MLC of the accused where it is noted that the smegma is absent and the accused was arrested on the same day.



5. A perusal of the Trial Court record reveals that the testimony of the child victim (PW-1), who was aged about 5 years at the time of incident, was consistent. She deposed that the appellant, who was their neighbour, lured her into his house on the pretext of playing, inserted his penis into her mouth, and attempted to insert the same into her vagina. She correctly identified the appellant in Court. The incident was disclosed to her mother thereafter, who (examined as PW-2) corroborated the testimony by stating that she found her daughter eating toffees with money given by the appellant and, on being questioned, the child narrated the incident. PW-3, the father of the victim, also supported the version.

6. The prosecution case further stood corroborated by medical and forensic evidence. The MLC of the child victim (Ex. PW-5/A) recorded a clear history given by the child and her mother of sexual assault by the appellant. The MLC of the appellant (Ex. PW-6/A) noted absence of smegma, consistent with the allegation of recent sexual act. The statement of the victim under Section 164 Cr.P.C. reiterated the allegation of penetration and attempt.

7. In his statement recorded under Section 313 Cr.P.C., the appellant denied the allegations and claimed that he had been falsely implicated owing to a tenancy dispute between his father and the parents of the victim. He further claimed to have been away from home at the time of the alleged incident. The sole defence witness, DW-1 (the mother of the appellant), deposed that the family of the victim bore animosity after being denied accommodation, but the Trial Court found the testimony to be unreliable.

8. The nominal roll dated 10.03.2025, received from the Superintendent, Central Jail No. 2, Tihar, reflects that the appellant has undergone 3 years, 2 months and 24 days of custody (including undertrial period) as on 09.03.2025, and has earned remission of 2 months and 11 days. The unexpired portion of the sentence is 6 years, 6 months and 25 days.

9. Considering the aforesaid, I find no ground to entertain the present application. Accordingly, the same is dismissed.



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List in due course.

AUGUST 22, 2025/sn

MANOJ KUMAR OHRI, J