



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL APPEAL No. - 156 of 2021

Ramkishan @ Pappu

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Ajay Kumar Pathak, Dileep Kumar Dwivedi, Shive Datta Yadav, Vijay Prakash Chaturvedi
Counsel for Respondent(s)	: G.A.

Court No. - 46

HON'BLE AJAY BHANOT, J.

HON'BLE DIVESH CHANDRA SAMANT, J.

Heard Sri Anand Datta Yadav, learned counsel for the appellant and Sri Paritosh Kumar Malviya, learned AGA-I for the State.

Learned counsel for the appellant submits that the determination of the age of the victim is one of the central questions which arises for consideration in the instant criminal appeal.

The FIR was registered as Case Crime No.- 220 of 2015 under Sections 354 of IPC read with Section 8 of POCSO Act. During the course of investigation offences under Section 376 IPC and Section 4 of POCSO Act were added and also investigated. The charge sheet was filed under Section 376 IPC read with Section 4 of POCSO Act. Alternative charges were framed against the appellant under Section 376 IPC and Section 4 of the POCSO Act, respectively.

According to learned counsel for the parties, various questions arise for consideration in the instant criminal appeal including the following ones :

(a). Whether the scope of investigations into offences under the IPC as well as the POCSO Act is curtailed in any manner by Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015?

(b) Whether Section 27 of POCSO Act read with Section 164-A Cr.P.C. are liable to guide the police investigations into an offence under the POCSO Act as well as I.P.C. especially in respect of gathering evidence pertaining to medically determined age of a victim? What are the consequences of failure of Investigating Officer or prosecution to produce medically determined age of the victim under Section 27 of POCSO Act read with Section 164-A Cr.P.C. as prosecution evidence during a trial?

(c). Whether on the footing of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 the trial court can neglect consideration of the medical report to determine the age of the victim under Section 164-A of the Cr.P.C. read with Section 27 of the POCSO Act, which has been drawn up by competent medical practitioners and tendered by the prosecution before the trial court as evidence during the course of trial?

(d). Whether the rights of an accused who is facing investigation/trial under offences under the IPC or the POCSO Act are in any manner curbed by the POCSO Act? What are the support systems provided to a minor victim under the Juvenile Justice Act in a criminal trial under the POCSO Act read with the IPC?

List this case on 28.04.2026 for further hearing.

Considering the importance of the matter, the members of the Bar are invited to assist the Court on the aforesaid questions of law.

(Divesh Chandra Samant,J.) (Ajay Bhanot,J.)

April 23, 2026
Dhananjai