



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.

During the course of argument, Sri Anuj Dutta, learned counsel for the appellant and Sri Paritosh Kumar Malviya, learned A.G.A.-I submit that the following questions arise for consideration:

(a). Whether the scope of investigations into offences under the I.P.C. 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 I.P.C. 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 I.P.C.?

(e). Whether under the scheme of POCSO Act the age of victim in a trial in a POCSO Act offence is liable to be determined in light of Section 94 of Juvenile Justice Act?

Considering the importance of the matter, the Court has requested Sri Dharmendra Singhal, learned Senior Counsel, Sri N.I. Jafri, learned Senior Counsel, Sri Vinay Saran, learned Senior Counsel, and Sri Sushil Shukla, learned Senior Counsel to assist the Court in this matter. Members of the Bar are also requested to assist the Court in the aforesaid matter.

Sri Anoop Trivedi, learned Additional Advocate General is also requested to assist the Court on behalf of the State.

List this case on 12.05.2026 for further hearing.

Let the order be placed on the Web Diary of official website of this High Court for information to the members of the Bar in general.

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

April 28, 2026
ADY