

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).2969/2026

[Arising out of impugned final judgment and order dated 28-08-2025  
in WPC No.7056/2023 passed by the High Court of Delhi at New Delhi]

RAKESH BABU

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

IA No. 49971/2026 - CONDONATION OF DELAY IN FILING

IA No. 49968/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

Date : 20-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.V. VISWANATHAN  
HON'BLE MR. JUSTICE ATUL S. CHANDURKARFor Petitioner(s) :Mr. Vinay Kumar Aherodiya, Adv.  
Ms. Sonu Kumari, Adv.  
Ms. Prity Raj, Adv.  
Mr. Shiv Kumar Raghunath Golwalkar, Adv.  
Mr. Surya Pratap Deva, Adv.  
Mr. Jugul Kishor Gupta, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. Mr. Vinay Kumar Aherodiya, learned counsel appearing for the petitioner submits that the General Security Force Court under the Border Security Force Act, 1968 (for short, "the BSF Act") could not have tried the petitioner for the offences under Section 6 of the Protection of Children from Sexual Offences Act, 2012

(for short, "the POCSO Act") since under the POCSO Act only a Special Court could try the offence. The High Court had rejected the contention by relying on Section 42A of the POCSO Act saying that the powers under POCSO Act are not in derogation of other statutes.

2. We notice that under Section 72 of the BSF Act, a General Security Force Court shall have the power to try any person subject to the BSF Act from any offence punishable thereunder and to any sentence authorised thereby.

3. We also notice that the BSF Act defines offence under Section 2(1)(q) to mean: "offence means any act or omission punishable under this Act and includes a civil offence".

4. We further notice that under Section 2(1)(d) of the BSF Act, civil offence is defined to mean an offence which is triable by a criminal court.

5. At this stage, the learned counsel also draws attention to the order dated 14.03.2023 passed in Special Leave Petition (Criminal)@Diary No.40251/2022 (*The State of Nagaland vs. The Deputy Inspector General & Anr.*). That matter arose out of the judgment and order dated 19.07.2022 passed by the Gauhati High Court in Criminal Revision No.01/2021. Learned counsel submits that though that case pertains to Assam Rifles, the issue is identical. The Union of India may check up this aspect and advise us on the next date of hearing.

6. List on 25.03.2026.

(VIJAY KUMAR)  
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)  
BRANCH OFFICER