

State Vs. Ravi

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Court : Delhi

Decided On : Sep-01-2014

Judge : Pradeep Nandrajog

Appellant : State

Respondent : Ravi

Judgement :

§~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.L.P. 321/2014
STATE Represented by: Petitioner Mr.Lovkesh Sawhney, APP for the State.
versus RAVI Respondent Represented by: None. CORAM: HON'BLE MR.
JUSTICE PRADEEP NANDRAJOG HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

0109.2014 % CrI.M.A.No.7425/2014 (Delay) For the reasons stated in the application the delay of 77 days in filing the leave petition is condoned. CRL.L.P. 321/2014 1. The State seeks leave to appeal against the judgment dated November 08, 2013 acquitting the respondent of the charge for offences punishable under Sections 323/367/377/506 IPC.

2. The case of the prosecution is that Ravi kidnapped a minor boy aged ten years with the intention to subject him to unnatural lust and finally committed voluntary carnal intercourse with the victim child and threatened to kill him. Ravi is also alleged to have caused simple hurt to the victim by giving slap to him.

3. The victim child deposed that on the day of incident he went out of his house at around 2.00 PM to go to the house of his maternal grandmother (nani) who was residing in Nand Nagri. As he reached two streets away from his house Ravi caught him from the backside collar. He knew Ravi as he used to reside in his locality. Ravi then left the grip of his shirt and the victim boy ran away. However Ravi again caught him. Ravi took him inside a room in a school situated nearby and took off his pants. Ravi laid the victim on the floor and did wrong act against him. Thereafter Ravi threatened him not to disclose the facts otherwise he would injure him with a blade on his face and also hit him with the belt on his back. He went to his house and narrated the incident to his mother a day after incident.

4. In cross-examination he stated that he knew Rahul who also lived near his gali whose nick name was Ravan. Rahul @ Ravan was a friend of Ravi and when the incident took place Rahul @ Ravan was also there. He further stated that since cloth piece was tied around his eyes by Ravan he could not say as who of the two i.e. Ravi or Ravan did the wrong act against him. Even on cross-examination by the learned APP he reiterated that Ravi and Ravan were both present at the time of incident and since his eyes were closed by a cloth he was unable to see. He further stated that Ravi caught hold of him and brought him to the school from the park. Further Ravan was inside the room. remained outside. Ravan took him inside the room however, Ravi In further cross-examination by the learned APP he further clarified that Ravi did not do any act over him and only Ravan had done wrongful act with him.

5. The learned Judge acquitted Ravi on the ground that in the cross- examination the victim did not support the prosecution case and had instead stated that wrong act was done by Ravan and not by Ravi. Further the FIR was lodged after a week. Moreover, the MLC of the victim boy did not support his version. The alleged incident took place on November 10, 2012 though the victim revealed these facts to his mother on the next day, FIR was registered after a week.

6. Even as per the FSL report Ex.PX no blood or semen could be detected in the perennial swabs collected for the victim. The MLC of the victim Ex.PW-4/X also notes no external visible injury.

7. In view of the fact that the victim did not support the prosecution case in his testimony before the Court and there was no other material to come to the conclusion that Ravi committed carnal intercourse with the victim boy, we find that the view taken by the learned Trial Court was a plausible view which is neither illegal nor perverse. Consequently, we find no reason to grant leave to appeal.

8. Petition is dismissed. PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

SEPTEMBER01 2014 vn

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