



2026:DHC:7631



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment reserved on: 01.09.2026*
Judgment pronounced on: 09.09.2026

CNR No. DLHC010984582025

+ **CRL.A. 1669/2025 & CRL.M.A. 36549/2025**

RAM PRAVESH THAKUR

.....Appellant

Through: Mr. Samarth Krishan Luthra
(DHCLSC), Mr. Manoviraj Singh and
Ms. Muskan Sharma, Advocates.

versus

STATE OF N.C.T. OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Mitesh Mahiya, P.S. Sagarpur.

CORAM:
HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. In this appeal filed under Sections 415 read with 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (the BNSS), the sole accused in Sessions Case No. 254/2022 on the file of the



Additional Sessions Judge (PoCSO), New Delhi District, Patiala House Courts, Delhi, assails the judgment dated 22.02.2025 and the order on sentence dated 12.07.2025, as per which, he has been convicted and sentenced for the offences punishable under Sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (the PoCSO Act) and Sections 354 and 354B of the Indian Penal Code, 1860 (the IPC).

2. The prosecution case is that on 03.04.2022, between 03:30 to 04:00 PM, the accused, the *fufa* (uncle) of PW1, sexually assaulted and outraged her modesty by attempting to undress her and exhibiting his private part to her. Hence, as per the chargesheet/ final report, the accused is alleged to have committed the offences punishable under Sections 10 and 12 of the PoCSO Act and Sections 354 and 509 IPC.

3. On the basis of Ext. PW1/A FIS/FIR of PW1 given on 03.04.2022, crime no. 199/2022, Sagar Pur police station, i.e., Ext.



P1 dated 03.04.2022 alleging the commission of offences punishable under Sections 10 and 12 of the PoCSO Act and Section 354 IPC was registered by Assistant Sub-Inspector, [Charge Witness no.6 (CW6)]. PW4, Sub-Inspector, Sagar Pur police station conducted investigation into the crime and on completion of the same, filed the chargesheet/final report alleging the commission of the offences punishable under Sections 10 and 12 of the PoCSO Act and Sections 354 IPC.

4. When the accused was produced before the trial court, the copies of all the prosecution records were furnished to him, as contemplated under Section 207 of the Code of Criminal Procedure, 1973 (the Cr.P.C.). After hearing both sides, the trial court, *vide* order dated 27.09.2022, framed a Charge under Sections 354, 354B, 509 IPC and Sections 10 and 12 of the PoCSO Act, which was read over and explained to the accused to which he pleaded not guilty.



5. On behalf of the prosecution, PW1 to PW5 were examined and Exts. PW1/A-C, PW2/A-D, PW4/A, PW5/A-D, and Ext. P1-P7 were marked in support of the case.

6. After the close of the prosecution evidence, the accused was questioned under Section 313(1)(b) Cr.P.C. regarding the incriminating circumstances appearing against him in the evidence of the prosecution. The accused denied all those circumstances and maintained his innocence. According to the accused, the parents of PW1 had taken a loan of ₹50,000/- from him in the presence of his brother, namely, DW1. PW2, the mother of PW1, is the sister-in-law of his brother. Due to the said family relationship, on 18.01.2020, the accused agreed to advance an amount of ₹50,000/- to PW2. The said amount was given in cash to PW2, as she urgently required the same, which she undertook to return without delay. About a month before the date of the alleged incident, he had started demanding repayment of the loan from PW2. He came



to Delhi for the purpose of recovering the loan amount from PW2, for which he was staying with PW1's family. However, PW2 did not repay the amount and repeatedly kept seeking time. He was scheduled to return home on 01.04.2022, but he "*skipped his train*" and returned to the house of PW1 to stay there. 03.04.2022 was a Sunday and all the family members of PW1 were present in the house. No such incident as alleged had taken place. He demanded repayment of the loan amount from PW2 as he wanted to return home, whereupon a quarrel took place between them. Later, PW2 called the police raising false allegations against him.

7. After questioning the accused under Section 313(1)(b) Cr.P.C., compliance of Section 232 Cr.P.C. was mandatory. In the case on hand, no hearing as contemplated under Section 232 Cr.P.C. is seen done by the trial court. However, non-compliance of the said provision does not, *ipso facto* vitiate the proceedings, unless omission to comply with the same is shown to have resulted



in serious and substantial prejudice to the accused (See **Moidu K. v. State of Kerala, 2009 SCC OnLine Ker 2888: 2009 (3) KHC 89**). Here, the accused has no case that non-compliance of Section 232 Cr.P.C. has caused any prejudice to him.

8. On behalf of the accused, DW1 was examined. No documentary evidence was produced by the accused.

9. Upon consideration of the oral and documentary evidence on record, and after hearing both sides, the trial court *vide* the impugned judgment dated 22.02.2025, held the accused guilty of the offences punishable under Sections 10, 12 of the PoCSO Act and Sections 354 and 354B IPC. *Vide* order on sentence dated 12.07.2025, the accused has been sentenced to undergo simple imprisonment for a period of 5 years along with fine of ₹5,000/-, and in default of payment of fine, to simple imprisonment for a period of 6 months for the offence punishable under Section 10 of the PoCSO Act and to simple imprisonment



for a period of 2 years along with fine of ₹3,000/-, and in default of payment of fine, to simple imprisonment for a period of 3 months for the offence punishable under Section 12 of the PoCSO Act. In light of Section 42 of the PoCSO Act, no separate sentence has been awarded by the trial court for the offences punishable under Sections 354 and 354B IPC. Aggrieved, the accused has preferred this appeal.

10. The learned counsel appearing for the appellant/accused submitted that the alleged incident occurred on a Sunday and, as admitted by PW3, the brother of PW1, the entire family was present at home on that day. It was therefore contended that, in such circumstances when the family members would ordinarily be expected to remain at home rather than go out for their usual work, it was highly improbable that PW1 would have been left alone at the relevant time. It was further submitted that



the trial court failed to properly appreciate this material circumstance while assessing the prosecution version.

10.1. The learned counsel for the accused further submitted that the trial court has failed to consider that the accused has been falsely implicated as he insisted on repayment of the loan amount from PW2. Referring to the statement given under Section 313 CrPC by the accused, it was submitted that the accused had not accidentally missed his train on 01.04.2022, but he had deliberately chosen not to board it in order to remain at PW1's home till the amount was repaid.

11. *Per contra*, the learned Additional Public Prosecutor submitted that the impugned judgment does not suffer from any infirmity warranting interference by this court.

12. Heard both sides and perused the records.



13. The only point that arises for consideration in this appeal is whether there is any infirmity in the impugned judgment warranting an interference by this Court.

14. I shall briefly refer to the evidence on record relied on by the prosecution in support of the case. Ext. PW1/A FIS/FIR given on 03.04.2022 by PW1, the prosecutrix, in Hindi, translated reads thus:-“...*My father does cleaning work at Army Public School, Dhaula Kuan and my mother is a housewife. We are five siblings. Today on 03.04.2022, my father had gone for duty and my mother had gone to attend Kirtan in our neighborhood and my brothers also were not at home. My fufa (paternal uncle) whose name is Ram Pravesh Thakur (the accused), was staying at our house for 7 to 8 days. Today i.e. on 03.04.22 at around 3:30 -4:00 p.m., my fufa, namely, Ram Pravesh (the accused) approached me, at which time, nobody else was present at home. My fufa grabbed my shoulder with wrong intention and said - “beta, nothing will*



happen to you”. Then, he opened the zip of his pants and took out his penis. I asked fufa as to what he was doing at which time my brother, namely, S came in. I told everything to my brother. Thereafter, all my family members came to know about the incident. When my parents questioned my fufa, he admitted his mistake and said that he may be permitted to leave. Thereafter, my family members called the Police...”

15. Ext. PW1/C 164 Statement of PW1 recorded in Hindi on 04.04.2022 translated reads thus: “...Yesterday i.e. on 03.04.2022 at around 3:30- 4:00 p.m., I was alone at home. My mother, father, brother, everybody had gone outside. My mother had gone to attend kirtan whereas my father had gone for work and brother had gone to a shop nearby. I was lying in my room. At that time, my fufa (paternal uncle), namely, Ram Pravesh Thakur (the accused) came and sat near me. Initially, he touched my arm. I got up and questioned his act. Then he said that nothing would



happen to me and proceeded to open the zip of his pants and tried to remove my clothes. At this time, my brother, namely, S, came home. I told about the incident to my elder brother, father and mother. My fufa (the accused) had been staying at our house for the last 7 to 8 days because he had missed his train... ”

16. PW1, when examined before the trial court, deposed that on 03.04.2022, at about 3:00 to 4:00 p.m., she was at home along with her mother (PW2) and her paternal uncle (*fufa*), the accused. Her mother (PW2) told her that she was going to attend a *kirtan*. After her mother left, she was lying on the bed while the accused was sitting on a sofa in the same room. The accused got up, approached her and touched her shoulder. When she questioned his act, the accused assured her that nothing would happen and that she can continue lying on the bed. The accused thereafter opened the zip of his pants and took out his private part. In the meantime, her elder brother came into the room. Seeing her



brother, the accused returned to the sofa. She disclosed the incident to her elder brother. Her parents were also informed. When her mother returned home, the former slapped the accused and called the police. The prosecutor is seen to have sought the permission of the Court to “*cross examine*” on the ground that certain material facts had not been deposed by the witness. The request was allowed by the trial court.

16.1. Upon further examination by the prosecutor, PW1 admitted that, at the time of the incident, the accused had also attempted to remove her clothes; that when her parents questioned the accused about the incident, the latter admitted his mistake and requested permission to leave. According to PW1, due to lapse of time, she had earlier omitted to mention the aforesaid facts.

17. PW1 in her cross-examination deposed that prior to the incident, the behaviour of the accused had been normal. She denied the suggestion that her mother did not want the accused to



stay at their house. PW1 admitted that on 01.04.2022, the accused had missed his train. PW1 denied the suggestion that, when the accused on missing his train returned to their house, her mother quarrelled with her father or had asked her father to send the accused away from their house at the earliest. She does not know whether her mother had ever sought a loan from the accused. PW1 admitted that she had not raised any alarm or made any noise at the time of the incident. PW1 denied the suggestion that she, along with her mother and brothers, had filed a false complaint against the accused.

17.1. PW2, mother of PW1, deposed that on 03.04.2022, she had gone to attend *kirtan* at the place of one of her acquaintances in Gandhi Market. While attending the *kirtan*, she received a call from her son, who asked her to return home. She immediately rushed to her house, where her husband, three sons, PW1 and accused were present. The accused is related to their family as he



is the *jeth* (brother-in-law) of her *nanad* (sister-in-law). When she was told about the incident, she started beating the accused, whereupon he confessed that he had done a wrong act and sought permission to leave. She informed the police, pursuant to which the police reached the spot. PW2 further deposed that the date of birth of PW1 is 06.06.2008.

17.2. PW2, in her cross examination, denied the suggestion that she had demanded an amount of ₹50,000/- from DW1, her *jija* as she was ill at that time. PW2 denied the suggestion that on 19.01.2020, at the instance of DW1, the accused had given her ₹50,000/- in cash in the presence of her father-in-law. PW2 admitted that the marriage of DW1's daughter was on 23.02.2022 on which occasion, the latter had demanded money from them. According to PW2, she had given ₹10,000/- in cash to DW1. PW2 denied the suggestion that she had given ₹10,000/- in cash to DW1 as she had availed a loan of ₹50,000/- from the accused at the



instance of DW1. PW2 further denied the suggestion that the accused had actually come to their house seeking repayment of the aforesaid amount. PW2 denied the suggestion that, at the time of the incident, they were unwilling to allow the accused to stay with them as he was pressurising them to return his money. PW2 further denied the suggestion that they had falsely implicated the accused as he was demanding repayment of the loan amount.

18. PW3, the brother of PW1, when examined, deposed that on the said day, he had gone to Santoshi Mata Mandir, Hari Nagar, along with his friends. At about 2:30 - 3:00 P.M., when he returned home, he saw the accused and his sister (PW1), who is younger to him, inside the house at which time, the accused had his hand on the shoulder of his sister and the zip of his pants was open. On seeing him, the accused became frightened and moved away from his sister. His sister (PW1) also looked frightened. He asked his sister as to what the accused was doing to her. Initially,



his sister (PW1) did not disclose anything out of fear. However, when he scolded her, she told him that the accused was trying to do *galat kaam* with her. In the meantime, their father and eldest brother reached home. He informed them about the incident. His brother thereafter made a call to his mother and asked her to return home. His mother also returned home. They questioned the accused, whereupon the latter confessed and requested them to permit him to leave their house. His mother informed the police. Thereafter, they went to the police station and the accused was also taken to the police station.

18.1. PW3 in his cross-examination deposed that he could not recall whether 03.04.2022 was a Sunday. PW3 admitted that Sunday is a holiday for all the family members. According to PW3, even on Sundays all of them would not be home throughout the day. PW2 denied the suggestion that they had taken a loan of ₹50,000/- from the accused prior to the incident or that the accused



had come to their house to demand the aforesaid amount from them or that they had refused to pay the said amount to the accused. According to PW3, he had accompanied the accused to the railway station to see him off, but the accused missed his train. PW3 further deposed that he had told the accused that he could board another train from another railway station, but the accused refused to do so and told him that they should return home. PW3 denied the suggestion that they were unwilling to keep the accused at their house and had asked him to leave their house. PW3 further denied any quarrel taking between his parents when they came to know that the accused had missed his train. PW3 further denied the suggestion that they had falsely implicated the accused as they did not want to repay the amount of ₹50,000/- taken by them from the accused.

19. DW1, the brother of the accused, when examined, deposed that in the year 2020, PW2 had demanded a loan from



him. He, in turn, requested the accused, to give the loan amount to PW2 on his behalf. The said loan amount of ₹50,000/- was handed over in cash to PW2 in his presence at Lohandi Village on 18.01.2020. His father-in-law, who is also the father-in-law of PW2, was present at the time when the amount was handed over. The brother of PW2 was also present when the loan was given. PW2 had promised to return the loan amount as early as possible. Before 23.02.2022, he and the accused had demanded repayment of the money from PW2 in connection with the marriage of his daughter. PW2 returned a sum of ₹10,000/- to him when she came to attend the marriage of his daughter on 23.02.2022. He and the accused had taken loans from various sources in order to provide the aforesaid loan amount to PW2. According to DW1, since the accused treated the former's daughter as his own daughter, the latter wanted the money to be returned by PW2 for the purpose of making arrangements for the marriage of the former's daughter.



DW1 further deposed that when the accused went to the house of PW1 to demand repayment of the money, PW2 deliberately got him falsely implicated in the present case so that he would not demand repayment of the money.

19.1. DW1, in his cross examination, admitted that it was the accused who was looking after the expenses of his family. DW1 denied the suggestion that he was intentionally deposing falsely in order to save the accused, his brother, and also because it was the latter who was looking after the expenses of his family.

20. The factum of the minority of PW1 is not in dispute. Therefore, the main question that arises for consideration is whether the overt acts attributed to the accused are sufficient to constitute the offences for which he has been found guilty. A perusal of the materials on record, particularly Ext. PW1/A FIS/FIR; Ext. PW1/C the Section 164 Cr.P.C. statement, and the testimony of PW1, establish that the accused exhibited his private



part to her. The version of PW1 is corroborated by the testimony of PW3, her brother. The materials on record do not disclose any substantial inconsistency or infirmity in the testimony of PW1 and PW3 so as to discredit their version regarding the overt acts of the accused. The mere fact that the incident occurred on a Sunday does not improbabilise the case because PW3 deposed that it is not necessary that all members remain at home all throughout the day. It is also pertinent to note that no specific question or suggestion in this regard was put to PW1 when she was in the box, particularly as to the presence or availability of her family members in the house at the relevant time. The testimony of PW1 and the other prosecution witnesses has not been discredited in any way.

21. The defence version of dispute regarding non-payment of the loan advanced and subsequent false implication appears improbable. Going by the defence version, the loan was given in the year 2020 to PW2 who had promised to repay it at the earliest.



Apparently, PW2 never kept her word. According to the accused, he had demanded the amount several times but PW2 repeatedly sought time for repayment. In such circumstances, the relationship between the parties would not have been that pleasant. If that be so, it would have been highly improbable for the accused to continue staying in the house of PW2. Further, the accused admitted that on 01.04.2022, he was to travel by train back home. In fact, he went to the railway station also, but he deliberately did not board the train. According to the accused, he returned to PW1's home with the intention of staying there till the debt was repaid by PW2. If his intention in coming and staying in the house of PW2 was to get the loan amount back, what was the necessity to enact a drama of going to the railway station and pretending to catch a train back home? He could have continued staying in the house until the loan amount was repaid. It appears that he had



other intentions of deliberately missing the train and returning to the house of PW1.

22. Further, from the line of cross-examination of PW1, PW2 and PW3, it appears that the defence has also a case that though PW2 was not agreeable to the stay of the accused in their house, the father was in favour of the same and that because of this, a quarrel had taken place between the parents of PW1. If that be so, the father of PW1 would not have joined PW2 and family to falsely implicate the accused.

23. The act of the accused approaching PW1 while she was lying on the bed, placing his hand on her shoulder and then unzipping his pants and exhibiting himself to her shows that his intention was certainly sexual. The act of the accused comes under Section 7 of the PoCSO Act, that is, “an act with sexual intent which includes physical contact without penetration”. It also comes under clause (i) of Section 11, that is exhibiting a part of the



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body with the intention that the part of the body is seen by the prosecutrix. His act of undressing himself and attempting to undress PW1 was certainly with the knowledge that it would outrage her modesty and attract the ingredients of Sections 354 and 354B IPC.

24. I find no infirmity in the impugned judgment calling for an interference by this Court.

25. The appeal, *sans* merit, is dismissed.

26. Application(s), if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

SEPTEMBER 09, 2026
p'ma/rs/kd