

# Rajesh Sachdeva & Ors vs State & Ors on 5 February, 2019

**Author: Sanjeev Sachdeva**

**Bench: Sanjeev Sachdeva**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.REV.P. 141/2019

RAJESH SACHDEVA & ORS.

..... Petitioners

Through

Mr. Sameer Rohatgi with Mr. Manish  
Sharma and Mr. Akshit Pradhan, Adv

versus

STATE & ORS.

..... Respondents

Through

Ms. Meenakshi Dahiya, APP for the  
State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% 05.02.2019 Crl.M.A.2605/2019 (exemption) Exemption is allowed subject to all just exceptions. CRL.REV.P. 141/2019 & Crl.M.A.2604/2019 (stay), Crl.M.A.2606/2019 (for filing additional documents)

1. On oral prayer of the learned counsel for the petitioners, complainant is impleaded as a respondent.
2. Let amended memo of parties be filed within two days.
3. Petitioners impugn order dated 30.10.2018, whereby, charge has been framed against the petitioners under Section 23/26 of the Juvenile Justice Act, 2000.
4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated as there is no material to connect them with the offence or even to substantiate that an offence under Sections 23/26 of the Juvenile Justice Act, 2000 was committed against the complainant.
5. Learned counsel for the petitioners further submits that the petitioners are not even named in the FIR. However, in the subsequent statement recorded under Section 164 Cr.P.C, there is an improvement in the version of the prosecutrix and name of the petitioners are mentioned.
6. Learned counsel for the petitioners further submits that there is no medical evidence to substantiate that the complainant was harassed or tortured by the petitioners so as to attract Sections 23/26 of the Juvenile Justice Act, 2000.
7. Issue notice. Notice is accepted by the learned APP for the State.

8. Notice shall issue to respondent Nos.2 to 4, returnable on 22.07.2019.

9. On petitioner filing the amended memo of parties, notice be issued to the newly added respondent/complainant, returnable on 22.07.2019. Notice be served on the complainant through the Investigation Officer.

10. In the meantime, further proceedings before the Trial Court, qua the petitioners shall remain stayed.

11. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J FEBRUARY 05, 2019/st