



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

% Reserved on : 26.09.2025  
Pronounced on : 06.10.2025

+ **CRL.A. 462/2023**

JEETU RANJEET .....Appellant  
Through: Mr.Surinder Singh and Mr.Devesh  
Sharma, Advocates

versus

STATE NCT OF DELHI .....Respondent  
Through: Mr.Pradeep Gahalot, APP for State  
Ms.Astha, Advocate for victim

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT**

1. The present appeal pertains to the judgment of conviction dated 16.01.2023 rendered by Sessions Court whereby Additional Session Judge-01 (POCSO) North West, Rohini District Courts, Delhi, while acquitting the appellant for the offence punishable under Section 506 IPC, convicted him for the offence under Section 5(m) punishable under Section 6 of the POCSO Act. Vide order on sentence dated 20.04.2023, appellant has been sentenced to undergo RI for 10 years with fine of Rs.15,000/- and in default of payment of fine to undergo SI for 3 months. The accused was given benefit of Section 428 of Cr.P.C.
2. As per the case of the prosecution, the appellant, who was the van driver of the child victim, had committed aggravated penetrative sexual



assault upon the child victim aged about 5 years by inserting his finger in her vagina. He, further, criminally intimidated her by slapping her with a view to cause alarm in her mind in order to prevent her to disclose regarding the same. The child victim informed her parents of the act resulting in registration of FIR and framing of charge under Section 6 of POCSO Act and Section 506 IPC.

3. On behalf of the appellant, it is contended that the appellant has been falsely implicated in the present case at the instance of victim's mother as he had not agreed to change the route of van as desired by the victim's mother on account of shifting of address. Further, the allegations statedly occurred while the child victim was being ferried in the school van and at that time there were other children in the van whose statements were also recorded during the investigation, however, they were not made part of the charge-sheet. The Trial Court erred in relying on the testimony of the child victim as well as her mother as both of them carried material improvements and omissions. In this regard, it is stated that in her statement under Section 164 Cr.P.C., the mother had claimed that the underwear of the child victim was removed, however, this was not stated by her in Court.

4. The contentions are disputed by Ld. APP for the State as well as Ms. Astha, Ld. Counsel representing the child victim. It is stated that though the child victim has deposed that her mother had stated that van driver has to be taught lesson, however, this was in the context of the school van being dirty and for no other reason. The narration of events by child victim finds support in the MLC.

5. I have heard the learned counsels for the parties and perused the Trial Court Record.



6. As per the charge-sheet, the child victim was stated to be 5 years old at the time of incident. During the trial, the appellant had admitted the age of the child victim as Ex. C-1 under Section 294 Cr.P.C. As per the said exhibit, the date of birth of the child victim is 01.05.2013 whereas the date of the incident is 02.07.2018, and as such the child was aged about 5 years on the day of the incident and thus, falls within the meaning of 'child' under Section 2(d) of the POCSO Act. No such contest as to her age has been made in the present appeal as well.

7. The child victim in her statement to the police under Section 161 Cr.P.C. stated that she was studying in UKG and alleged that appellant had bad touched her. On being asked, she described the act as the appellant had inserted his nail under her skirt in her vagina. The act was done at the time when she was boarding the van.

In her statement before Magistrate under Section 164 CrPC, she stated that appellant had put his hand and finger in her vagina.

8. While deposing as PW1, the Trial Court recorded its satisfaction as to the competency of the child victim to depose by asking preliminary questions. In her statement recorded without oath, the child victim reiterated that the appellant had touched her badly and on being asked as to what she meant by 'bad touch', the child victim pointed towards her private part by putting her finger. She further stated that she felt pain and then she informed her parents. She identified the appellant as the one who had done the said act.

In cross-examination, she admitted that there were other children in the van. She also stated that she had complained to her mother that the appellant used to scold them without any reason. She further admitted that



the appellant had threatened to hit them in case they move their hands out of the van. She denied that at any point of time the appellant had hit her. She also admitted the suggestion that her mother had asked the appellant to change the van as the same was damaged. She further admitted that her mother had told her that if the appellant ever scolds her she would teach him a lesson. She, however, denied the suggestion that when she informed her mother about the incident, she stated that she would teach a lesson. She denied the suggestion that she was only scolded by the appellant and he had not done any wrong act with her. She denied the suggestion that her mother refrained her from saying anything to police as she would herself disclose the incident. She further stated that her mother had told her as what is to be said in Court however, on a Court question clarified that her mother had asked her to speak the truth. She denied the suggestion that anyone had made her revise as to what she had stated earlier. She further denied the suggestion that no wrong act was committed and the doctor had only suggested vulvovaginitis. She further denied the suggestion that the redness around her private part was on account of some infection. She also denied that in her name her mother had given statement. She denied all the suggestion of false implication at the behest of her mother.

9. Mother of the child victim was examined as PW6 and in her deposition stated that the child victim had gone to school after vacations on 02.07.2018 and at about 2.15 pm, her sister-in-law called her at her school stating the child was feeling unwell. On being asked, the child victim was reluctant and continuously weeping and when she took her daughter for giving bath, the child disclosed that the appellant had inserted finger in her private part. She informed her husband and at about 4 pm they took the



child victim to the doctor. They were told that there was redness in the private part of the child victim and thereafter the crime was reported. Her daughter had identified the van as well as the appellant.

In cross-examination, a question was put to whether Dr. Neeraj had told her it to be a case of vulvovaginitis (inflammation or infection of the vulva and vagina which is quite common to women of all ages) to which the witness answered in negative.

10. Dr. Neeraj Adhlakha, who initially examined the child victim and referred her to Dr. Seema Jain, Gynecologist was examined as PW4. He deposed that on 02.07.2018 at about 2.30 pm, the child victim was brought by her parents with the complaint of pain in passing urine. He examined the child victim aged about 5 year and on local examination, mild redness on her genitals was found however, no local injury/bruises were noted. The child victim was stating that she was bad touched by her school van driver. Thereafter, the child victim was referred to Dr. Seema Jain.

In cross-examination, he stated that his opinion regarding vulvovaginitis is based on examination.

11. Dr. Seema Jain, Gynecologist, Vardhman Super Specialty Clinic was examined as PW5. She also deposed that she found slight redness around orifice. There was no bleeding or external injury.

In cross-examination, she admitted it to be correct that the pain/discomfort in the perennial region can be due to vulvovaginitis and can lead to itching, redness, pain/discomfort in and around vagina. She further admitted that vagina of child aged 5 years cannot admit even tip of a finger. She also admitted that on penetration/insertion of finger in the vagina of a child may cause tear of hymen or tissue or scratch marks. She also admitted



to be correct that parents had narrated touching of private part which is mentioned in her report (Ex. PW2/C4).

12. In his statement recorded under Section 313 Cr.P.C., the appellant denied the case of the prosecution as well as of committing any act. He repeated that the child victim was suffering from vulvovaginitis. While answering question No. 24, he further took a defence that there was a money/monthly cab issue as the parents of the child victim have used her to settle the issue as none of the van drivers were ready to serve any of the family child.

13. From above, the undisputed facts are that the child victim was ferried by the appellant in a van. On the day of the incident also, the child victim had travelled in the van driven by the appellant. Though the child victim claimed that the appellant had bad touched her, in her statement recorded during the investigation, she had stated about insertion of finger. However, in her testimony before Court, she had only said about appellant touching her private part. She had not stated about insertion of finger/nail. The appellant has stated that on this aspect, neither any clarification was sought by the Trial Court or Ld. Prosecutor and as such, in terms of her testimony, no case under Section 6 of POCSO is made out.

14. As noted above, in the MLC (Ex.PW3/A), only slight redness is noted in the vagina region with hymen intact and no bleeding or tearing or bruises. There is inconsistency between the deposition of the child victim and her mother on the aspect of insertion of finger. Though counsel for the appellant has contended that mother of the child victim has implicated the appellant for his denial to ferry the child from the changed address however, no such suggestion was given either to the child victim or her parents.



Though, much hype has been created on the statement of the child victim that she had stated that her mother told her about teaching a lesson to the appellant however, the same was clarified and confined to the aspect of van being dirty and no other reason. Both the doctors claimed that the redness could be because of vulvovaginitis however, on wholesome reading of the evidence in light of the MLC as well as testimony of treating doctors, this Court is of the opinion that though the prosecution has not proved the case of insertion of finger however, a case of bad touch, as consistently stated by the child victim, is made out.

15. Consequently, appellant's conviction and sentence under Section 6 of the POCSO Act is converted into Section 10 of the POCSO Act and he is sentenced to undergo RI for 5 years with fine of Rs.5,000/- and on default of payment of fine to further undergo SI for 2 months.

16. Appeal is partly allowed to the aforesaid extent.

17. Copy of the judgment be communicated to the concerned Jail Superintendent and Trial Court.

**MANOJ KUMAR OHRI**  
**(JUDGE)**

**OCTOBER 06 , 2025**

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