



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Appeal No. 2683/2019

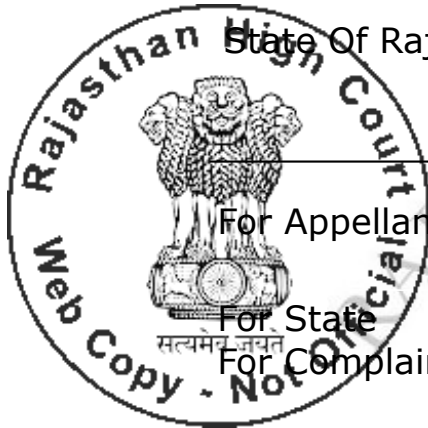
Pradeep Yadav S/o Late Puran Mal, Aged About 32 Years, R/o
Kalgaon, At Present Heerwa, P.s. Singhana Distt. Jhunjhunu (At
Present Confined In Distt. Jail Jhunjhunu)

-----Appellant

Versus

State Of Rajasthan, through PP

-----Respondent



For Appellant(s)	:	Mr. Anil Kumar Upman with Mr. Rajveer Singh Gurjar through VC
For State	:	Mr. Sher Singh Mahala, PP
For Complainant(s)	:	Mr. Rohitash Kumar Verma through VC

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Order

10/12/2020

1. The appellant has preferred this appeal aggrieved by order dated 08.11.2019 passed by Special Judge, POCSO Act, whereby bail application filed by the appellant was rejected.
2. F.I.R. No.204/2019 was registered at Police Station Singhana, Jhunjhunu, for offence under Sections 376 and 342 of IPC, Section 3/4 of POCSO Act and Sections 3(1)(w), 3(2)(va) of SC/ST Act.
3. It is contended by the counsel for the appellant that DNA report has not been received, inspite of several directions given by the Court. Petitioner has remained in custody for a period of one year.



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4. Learned Public Prosecutor and counsel for the complainant have opposed the appeal.

5. I have considered the contentions and perused the record.

6. It is the duty of the POCSO Court to record the statement of a child witness at the earliest. Prosecutrix has specifically asserted in her statement recorded under Section 164 Cr.P.C., that she was raped by the appellant and thereafter, got pregnant. The contention of the appellant that DNA report has not been received despite direction, cannot be taken into consideration at this stage, as it is the primary duty of the POCSO Court to record the statement of a child witness at the earliest and any delay in receiving of DNA report, should not delay the proceedings of a case.

7. Criminal Appeal is accordingly, rejected.

8. Trial Court is directed to proceed with the case and record the statement of prosecutrix.

9. However, appellant would be free to move fresh bail before the concerned Court after recording of the statement of prosecutrix in Court.

(PANKAJ BHANDARI),J

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