



IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 08.10.2025

+ **CRL.REV.P. 323/2025 & CRL.M.A. 24459/2025**

STATE NCT OF DELHI

..... Petitioner

versus

J RAVI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Yudhvair Singh Chauhan, APP for the State with SI Abhishek, PS Inderpuri.

For the Respondent : None.

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HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present petition is filed against the order dated 30.05.2024 (hereafter '**impugned order**'), passed by the learned Trial Court in SC No. 274/2022 arising out of FIR No. 94/2017 ('**FIR**'), registered at Police Station Inder Puri.

2. By the impugned order, the learned Trial Court discharged the respondent for the offences punishable under Sections 354/ 376/ 377/ 506/ 509 of the Indian Penal Code, 1860 ('**IPC**').

3. The brief facts of the case are as follows:

3.1. On 25.04.2017, FIR was registered at Police Station Inder Puri



on a complaint made by the prosecutrix. The prosecutrix was a senior scientist in ICAR, who was posted at Bangalore, and she had come to Delhi for attending a conference. For the said purpose, the prosecutrix was staying in NASC Complex International Guest House from 05.04.2016 to 10.04.2016. Allegedly, on 07.04.2016, the prosecutrix met the respondent accused, who was the secretary at ASRB and supposedly influential in administration and promotions, and he asked her to come to his office. On that day, when the prosecutrix went to meet the respondent, he made her wait initially and thereafter, offered to drop her in his car at the Guest House where she was residing. The respondent allegedly parked the car at the side of the road and started kissing the prosecutrix, pressing her chest and touching her private parts. It is alleged that the respondent forced the prosecutrix to perform oral sex with her mouth before dropping her at a Guest Stand near the Guest House. It is alleged that the respondent texted the prosecutrix after the incident, but she did not reply to him as she was scared. It is alleged that the prosecutrix subsequently reported the matter to her higher authorities after returning to Bangalore, however, she was advised against pursuing the matter due to the respondent's influence. The respondent allegedly sent emotional/ threatening texts to dissuade the prosecutrix from complaining against him as well.

3.2. With the intention of collecting evidence against the respondent, the prosecutrix informed him about her visit to Delhi on 28.11.2016. The respondent picked the prosecutrix from the Airport in his car and again misbehaved with her by touching her inappropriately and



kissing her on the way. It is alleged that when no one called the prosecutrix for an hour, the respondent became suspicious and found the prosecutrix's mobile which she was using to record the incident. It is alleged that the respondent slapped the prosecutrix and boasted that even if she complained, no one will believe her. It is alleged that the respondent deleted all texts and phone calls from her mobile and forced her to hold his penis in car while he was driving towards Gole market. Allegedly, the respondent also asked the prosecutrix to meet him for establishing physical relations.

3.3. On 30.11.2016, although the prosecutrix initially avoided the call of the respondent, on being scared by the texts sent by the respondent, she told him that she had reached NASC complex and asked him to pick her up. It is alleged that the respondent again molested the prosecutrix in the car and boasted that she could progress professionally by staying with him. One police personnel allegedly caught the respondent when the prosecutrix shouted in pain, however, the respondent convinced the police officer by stating that the prosecutrix had come from Bangalore and she was not feeling well, after which, they left from there. It is alleged that the accused slapped the prosecutrix twice for giving her ID card to the police official and asking the said officer to take them to the police station.

3.4. The prosecutrix made a complaint to DG through WhatsApp on 14.03.2017 and 20.03.2017, and an official complaint to the DG ICAR on 25.03.2017. A committee was constituted By DG ICAR to investigate the matter, however, the prosecutrix apprehended that the



respondent may win over the members of the committee as they were subordinate to him. The prosecutrix gave a complaint to police on 21.04.2017, which ultimately led to registration of the FIR.

3.5. Chargesheet in the present case was filed under Sections 354/ 376/ 377/ 506/ 509 of the IPC.

3.6. By the impugned order, the learned ASJ discharged the respondent of the charge sheeted offences. It was noted that there had been an inordinate delay in the registration of the subject FIR and the statements of the prosecutrix and the content of the messages exchanged between the accused and the prosecutrix reflected two entirely different versions. It was noted that messages indicated that the parties were in a romantic relationship as the prosecutrix had been expressing her deep love and affection towards the respondent through the texts and the complaint was only given after the respondent stopped responding to the texts of the prosecutrix. It was also observed that certain threatening texts were sent by the prosecutrix prior to registration of FIR as well. It was noted that the messages outweigh the oral version given by the prosecutrix and no case of grave suspicion was made out against the respondent for framing charges.

4. The learned Additional Public Prosecutor for the State submitted that although every endeavour was made to file the present petition within the prescribed period of limitation, however, delay was caused in obtaining the necessary approvals and opinions from the concerned departments. He submitted that further delay was caused in obtaining few documents of the trial court record. He submitted that



the delay was due to *bona fide* reasons and grave prejudice will be caused if the same is not condoned even though the prosecution has a good case on merits.

5. He submitted that the impugned order is unsustainable in law as the learned Trial Court failed to appreciate the consistent version of the prosecutrix as was narrated by her in her complaint as well as in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973.

6. He submitted that at the stage of framing of charge, the Court is not required to conduct a roving enquiry and at such stage, the Court is only required to ascertain whether a *prima facie* case is made out against the accused or not. He submitted that the learned Trial Court ought to have exercised caution in discharging the respondent at the initial stage on the basis of certain messages alone as the same cannot outweigh the oral version of the prosecutrix.

7. He submitted that the statement of the prosecutrix is sufficient for proceeding to trial without independent corroboration and the learned Trial Court had erred in overlooking the probative value of the prosecutrix's statement and discarded the version of the prosecutrix in a mechanical manner.

8. He submitted that the delay in making complaint was on account of the prosecutrix being in a subordinate position to the respondent and the explanation for delay ought to have been considered by the learned Trial Court with due sensitivity to the nature of the alleged offences.



Analysis

9. At the outset, it is important to consider that the impugned order was passed on 30.05.2024 and the same has been challenged belatedly in August, 2025. Clearly, there is a delay of more than 300 days in filing the present petition. It is well settled that each day of the delay is required to be explained.

10. On 20.08.2025, this Court had noted that the application for condonation of delay is bereft of any cogent ground that would warrant this Court to condone the delay. One opportunity was granted to the State to file better particulars indicating the reason for not filing the petition on time. Pursuant to the same, an affidavit was filed which essentially parrots the details mentioned in the application for condonation of delay in a tabular chart. It is mentioned that the certified copy of the impugned order was received on 02.07.2024, whereafter, on 22.07.2024, the matter was forwarded to the concerned department after the Director of Prosecution opined that the case was fit for filing of revision. The approval from the Home Department was received on 17.12.2024 after which the file was forwarded to the Standing Counsel (Crl.) for further action. The file was marked for drafting of the revision petition on 25.02.2025, however, since few documents of the trial court record were missing, the original paper book was called for in March-April, 2025. Another two months were spent in obtaining translations of certain documents, after which, the petition was filed before this Court in August, 2025.



11. Thus, as per the prosecution, the delay was essentially caused due to time spent in obtaining necessary approvals and documents. The Hon'ble Apex Court has frowned upon such excuses being cited by Government departments for delay. The Hon'ble Apex Court, in the case of ***Postmaster General v. Living Media India Ltd. : (2012) 3 SCC 563***, had held that the Government cannot claim to have a separate period of limitation when the Department is possessed with competent persons familiar with court proceedings. The delay cannot be condoned mechanically merely because the Government or a wing of the Government is a party before the Court. The Hon'ble Apex Court had rejected the claim on account of impersonal machinery and bureaucratic methodology of making several notes in view of the modern technologies being used and available.

12. The Hon'ble Supreme Court in the case of ***State of M.P. v. Bherulal : (2020) 10 SCC 654***, while observing the irony that no action is taken against the officers who sit on files and do nothing under a presumption that the court would condone the delay in routine, held as under:

“6. We are also of the view that the aforesaid approach is being adopted in what we have categorised earlier as “certificate cases”. The object appears to be to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue and thus, say that nothing could be done because the highest Court has dismissed the appeal. It is to complete this formality and save the skin of officers who may be at default that such a process is followed. We have on earlier occasions also strongly deprecated such a practice and process. There seems to be no improvement. The purpose of coming to this Court is not to obtain such certificates and if the Government suffers losses, it is time when the officer concerned



responsible for the same bears the consequences. The irony is that in none of the cases any action is taken against the officers, who sit on the files and do nothing. It is presumed that this Court will condone the delay and even in making submissions, straightaway the counsel appear to address on merits without referring even to the aspect of limitation as happened in this case till we pointed out to the counsel that he must first address us on the question of limitation.”

13. Therefore, unless a reasonable and acceptable explanation for the delay is provided, the same cannot be condoned. As held by the Hon’ble Apex Court, the Government departments are under such obligation to ensure that they perform their duties with diligence and commitment. In the present case, as noted above, no worthy reason is pleaded so as to entitle the application for condonation of delay being allowed. No special allowances can be made for the State to excuse delay caused in shifting files between departments and for obtaining necessary approvals as well as documents.

14. It is sought to be impressed upon this Court that the delay may be condoned as the matter relates to allegations of sensitive nature and the prosecution has a good case on merits. Although delay cannot be condoned in absence of sufficient cause on the basis of merits of a matter, however, even otherwise, this Court is in agreement with the observation of the learned Trial Court that the prosecution has been unable to cast grave suspicion against the respondent.

15. Before proceeding further it is relevant to note that the scope of interference while exercising revisional jurisdiction in a challenge to order on charge is limited, and the power ought to be exercised



sparingly, in the interest of justice, so as to not impede the trial unnecessarily.

16. Since the petitioner is essentially aggrieved by non-framing of charges, it will be apposite to succinctly discuss the law with respect to framing of charge and discharge. The Hon'ble Apex Court in ***Union of India v. Prafulla Kumar Samal : (1979) 3 SCC 4***, dealt with the scope of enquiry a judge is required to make with regard to the question of framing of charges. *Inter alia*, the following principles were laid down by the Court:

“10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

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*(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. **By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.**”*

(emphasis supplied)

17. The Hon'ble Apex Court, in the case of ***Sajjan Kumar v. CBI : (2010) 9 SCC 368***, has culled out the following principles in respect of the scope of Sections 227 and 228 of the Code of Criminal Procedure, 1973. The relevant paragraphs read as under :

“21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been



made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.”

(emphasis supplied)



18. In ***State of Gujarat v. Dilipsinh Kishorsinh Rao*** : 2023 SCC OnLine SC 1294, the Hon'ble Apex Court has discussed the parameters that would be appropriate to keep in mind at the stage of framing of charge/discharge, as under:

“7. It is trite law that application of judicial mind being necessary to determine whether a case has been made out by the prosecution for proceeding with trial and it would not be necessary to dwell into the pros and cons of the matter by examining the defence of the accused when an application for discharge is filed. At that stage, the trial judge has to merely examine the evidence placed by the prosecution in order to determine whether or not the grounds are sufficient to proceed against the accused on basis of charge sheet material. The nature of the evidence recorded or collected by the investigating agency or the documents produced in which prima facie it reveals that there are suspicious circumstances against the accused, so as to frame a charge would suffice and such material would be taken into account for the purposes of framing the charge. If there is no sufficient ground for proceeding against the accused necessarily, the accused would be discharged, but if the court is of the opinion, after such consideration of the material there are grounds for presuming that accused has committed the offence which is triable, then necessarily charge has to be framed.

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*12. The primary consideration at the stage of framing of charge is the test of existence of a prima-facie case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in the ***State of Maharashtra v. Som Nath Thapa***, (1996) 4 SCC 659 and the ***State of MP v. Mohan Lal Soni***, (2000) 6 SCC 338 has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima-facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.”*

(emphasis supplied)



19. The Court at the stage of framing of charge is to evaluate the material only for the purpose of finding out if the facts constitute the alleged offence, given the ingredients of the offence. Thus, while framing of charges, the Court ought to look at the limited aspect of whether, given the material placed before it, there is grave suspicion against the accused which is not properly explained.

20. It is essentially the case of the prosecution that the learned Trial Court has discharged the respondent by failing to appreciate the consistency in the version of the prosecutrix. It is argued that the messages exchanged between the parties cannot outweigh the oral version of the prosecutrix and the delay in registration of the FIR was caused on account of the influential position of the respondent.

21. It is settled law that in cases of such a sensitive nature, mere delay in registration of FIR is not fatal to the case of the prosecution and the sufficiency of any explanation for delay is best left to be tested during the course of the trial, however, in the peculiar circumstances of the present case, as rightly noted by the learned Trial Court, it cannot be ignored that the case of the prosecution is plagued with improbable allegations of repeated incidents of sexual assault and molestation in the respondent's car on public roads, which are further rendered suspect by the other material on record. It is further pertinent to note that the respondent and the prosecutrix are situated in different cities and no material was put forth to credit the assertion of the prosecutrix being unable to muster courage to make the complaint against the respondent due to his influential position, especially since



the prosecutrix was herself a senior scientist.

22. Even otherwise, the learned Trial Court was heavily weighed by the messages exchanged between the parties, which were retrieved from the mobile phones of the accused respondent as well as the prosecutrix and made part of the chargesheet. It was noted that the prosecutrix exchanged over 3000 messages with the respondent and frequently called the respondent as well on multiple occasions between May, 2016 to 20.03.2017. The learned Trial Court also meticulously sifted through the messages exchanged between the respondent and the prosecutrix and culled out certain relevant texts in paragraphs 10 and 14 of the impugned judgment wherein the prosecutrix has been proclaiming her love and affection to the respondent even after the dates of the alleged incidents. The relevant observations of the learned Trial Court in this regard are as under:

“11. The received data contains the messages from October 2016 to May 2017. On careful perusal of the content of the messages exchanged between the prosecutrix it is clear that the accused and the prosecutrix were deeply in love with each other. The prosecutrix expressed his deep love and affection for the accused and she had high regards for him. Apart from the messages, the extraction report contain the facebook chats of the prosecutrix. The prosecutrix using her facebook sent messages to many persons complaining that “Madam Usha Nair talking about me and ravi sir... really objectionable.. I have high regards for ravi sir... and whatever relationship is between me and ravi sir who is she to judge. Did I ever asked her y she is behind ravi sir..., please try to contact me”. These messages have been sent on facebook around 10 to 15 march 2017. The SMSes and facebook messages clearly indicates that the prosecutrix and the accused were having relationship and the prosecutrix was annoyed because of so called rumors in the department.

12... It is pertinent to note that the last message that the accused



sent to the prosecutrix was on 17.04.2017 and thereafter he had not sent any message. **The prosecutrix had been continuously sending text messages to the accused and the content of the messages during this period reflects that there was some dispute between the accused and the prosecutrix and the prosecutrix was annoyed due to the interference of Usha Nair, who was the personal secretary to the accused.**

13. Around one week prior to making the complaint to the Director General the messages indicates that the prosecutrix was trying to convince the accused to resume the relationship and she was expressing her grievance to the accused qua Usha Nair. It is argued that when the accused stopped responding to the phone calls and messages of the prosecutrix, she called the G.K Police station stating that her brother i.e. the accused was not responding to her phone calls and she requested to check his well being. This factum is established in the messages of the prosecutrix... In this regard, the statement of two police officials namely SI Ajit Singh and Ct. Sanjeet has been recorded...

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15. On careful perusal of the entire record including the messages exchanged between the accused and the prosecutrix, **it is clear that the prosecutrix and the accused were in distance extra marital relationship.** They both were aware about the marital status of each other and knew that their marriage was not possible. The prosecutrix became possessive for the accused and she was very much annoyed with the conduct and behavior of Usha Nair, who was the personal secretary of the accused. It is pertinent to note that the prosecutrix had filed the complaint of sexual harassment at work place against the accused and Usha Nair. **When the accused stopped responding to the prosecutrix continuously for one week, she first lodged the complaint to the Director General on 25.03.2017 and even thereafter, she continued to send messages to the accused. Prior to 15.03.2017, the prosecutrix had expressed her deep love and affection through messages."**

(emphasis supplied)

23. In the opinion of this Court, the learned Trial Court has rightly found that the messages categorically bely the case of the prosecution. The culled messages carry repeated affirmations of love and affection made by the prosecutrix *even after* the alleged incidents of sexual



assault and molestation. The conduct of the prosecutrix in trying to convince the accused respondent to resume the relationship around one week before making the complaint to the DG and threatening to take the “illegal” route one day before making the official complaint to DG give credence to the possibility that the complaint was given after the prosecutrix was jilted by the respondent and annoyed by his ignorance. As appreciated by the learned Trial Court, the prosecutrix went to the extent of calling the police station under the pretext that her brother (that is, the respondent) was not responding to her calls. The said assertion was found to be supported by statements of two police officials as well as the retrieved messages. It is unfathomable that a victim would go to such extents for contacting her perpetrator.

24. Although it is argued that the learned Trial Court ought not to have discharged the respondent at such a preliminary juncture as she has consistently iterated the allegations, it cannot be ignored that it is incumbent on the Court to sift through the entire material on record and consider the broad possibilities of the case. Considering the nature of messages, it would have been a gross miscarriage of justice to subject the respondent to suffer the tribulations of trial by turning a blind eye to the messages which are part of prosecution evidence.

25. It has also been rightly appreciated by the learned Trial Court that although the prosecutrix alleged that she had informed her higher officials in Bangalore after the first incident on 07.04.2016, however, she had not disclosed the name of the said authority. It has also been noted that on 08.11.2016, the prosecutrix had texted the following



messages to the respondent in relation to the incident on 07.04.2016: “you are really so nice.. wish to be asset for you..before 7 April was like robot but..” followed by “love u...”. Furthermore, the prosecutrix had herself informed the respondent of her arrival in Delhi on 28.11.2016 and she did not raise any alarm when the police official caught the respondent on 30.11.2016 either which further renders the allegations implausible. Merely because of consistency on part of the prosecutrix, the Court cannot be inundated to accept her version even if the story appears to be improbable [Ref. ***Tameezuddin v. State (NCT of Delhi) : (2009) 15 SCC 566***].

26. While the statement of the prosecutrix in ordinary circumstances is to be given predominant consideration and the same is sufficient to proceed for trial, however, the delay in registration of FIR coupled with the nature of messages exchanged between the parties as well as the inherent improbability of the allegations make out a case for discharge in favour of the respondent.

27. In view of the aforesaid discussion, upon a consideration of the totality of facts and circumstances, this Court is of the opinion that no grave suspicion arises against the respondent for framing of charges. Consequently, this Court does not find any ground that would warrant an interference with the impugned order.

28. The present petition along with the pending application for condonation of delay is dismissed in the aforesaid terms.

AMIT MAHAJAN, J

OCTOBER 08, 2025/DU