HIGH COURT OF DELHI AT NEW DELHI

No. 57 /Rules/DHC   Dated : 28|02|2019

ADVISORY/GUIDELINES

Hon'ble the Chief Justice, on recommendations of the "Committee to Regulate and Monitor the Progress of the Trials under the POCSO Act" has been pleased to issue the following advisory to all the POCSO Courts :-

(i) Resort may be made to the provision of admission/denial of documents in the course of any inquiry, trial or proceedings.

It shall, however, be mandatory for the Courts to comply with this procedure before the stage of framing of charge against a person accused of an offence and it shall be open to the accused to call upon the Prosecution/Investigating Officer /Complainant /Witness to admit/deny any document on which he seeks to place his defence.

Provided that no accused shall be called upon to admit/deny any document unless he is represented by his Counsel or through Legal Aid or in the presence of a pleader of his choice.

(ii) Where the Prosecution or the accused does not dispute the genuineness of any document filed by either side, such document may be read in evidence by the Court in any inquiry, trial or other proceeding without examining as a witness the author of such document.

Provided that the Court may, in its discretion require the author or any other person to appear and answer questions even in a case where a document has been admitted.

(iii) Provisions of Section 309 Cr.P.C be complied with diligently by the trial courts as far as possible and the statement of the child victim be recorded on a day to day basis.

(iv) The Delhi Legal Services Authority may be requested to ensure the presence of legal aid counsel for the assistance of accused in the event of the accused being not legally represented.

(v) The Directorate of Prosecution, Government of NCT of Delhi shall ensure the presence of the Prosecutor in every POCSO case on each date of hearing without default.

Ld DIC Judl. Br

जिला एवं सत्र न्यायाधीश (उत्तर-पश्चिम)
District & Sessions Judge (North-West)
रोहिणी न्यायालय, दिल्ली

By Order

(DINESH KUMAR SHARMA)
REGISTRAR GENERAL