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

+ CRL.REV.P. 253/2014

STATE NCT OF DELHI

..... Petitioner

Through: Ms.Alpana Pandey, APP for the State
with SI Sheela, PS Rajender Nagar.

versus

ADITYA KUMAR & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **06.05.2016**

1. This revision petition has been preferred by the State impugning the order of acquittal of the accused persons/respondents herein in case FIR No. 488/1998 under Sections 392/394/427/506 II/34 IPC, registered at PS Rajender.
2. Section 378 of Code of Criminal Procedure deals with the appeal in case of acquittal. Sub-Section (3) of Section 378 of Code of Criminal Procedure provides that no appeal to the High Court under sub-Section (1) of sub-section (2) shall be entertained except with the leave of the High Court.
3. Instead of filing the leave petition seeking leave to appeal, the State has filed this revision petition impugning the order dated 04.12.2014 passed by learned ASJ whereby the appeal preferred by the State against the order dated 11.09.2013 whereby the learned MM acquitted the respondents of the charges under Sections 392/394/427/506(Part-II)/34 IPC, has been dismissed, which is not maintainable.

4. In view of Section 378(3) Cr.P.C. as well decision of the Supreme Court in *Satya Pal Singh vs. State of M.P.& Ors.* in CrI.A. No.1315/2015 (arising out of SLP (CrI.) No.7954/2014) decided on 6th October, 2015, the State/complainant/victim has to seek leave to appeal while impugning the order of acquittal.

5. This revision petition is hereby dismissed as not maintainable.

6. The State is at liberty to file criminal leave petition and may seek condonation of delay therein for excluding the time spent in pursuing this revision petition No.253/2014.

PRATIBHA RANI, J.

MAY 06, 2016

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