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

+ CRL.L.P. 510/2016

STATE (NCT OF DELHI)

..... Petitioner

Through: Mr. Rajat Katyal, APP for the State.

versus

AJAY JAIN

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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22.09.2016

Crl. M.A. No. 14784/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

Crl. M.A. No. 14842/2016

By this application, the applicant seeks condonation of 7 days delay in re-filing the appeal.

For the reasons stated in the application, the same is allowed.

CRL.L.P. 510/2016 & Crl. M.A. No.14783/2016

The petitioner has preferred the aforesaid petition to seek leave to appeal against the judgment dated 31.10.2015 passed by the learned MM North-West-04, Delhi in case FIR No.69/2008 registered at Police Station –

Keshav Puram under Section 337/ 304A IPC titled *State Vs. Ajay Jain*, whereby the Trial Court has acquitted the accused.

The petitioner has also preferred the aforesaid application to seek condonation of 122 days delay in filing the leave petition. However, since I have heard learned counsel for the petitioner and I am not inclined to issue notice in the leave petition, no useful purpose would be served in issuing notice in the delay application.

The aforesaid case arose on account of the death of one of the workers at the factory of the accused. The case of the prosecution, in substance, was that while working in the factory of the accused, on account of a short circuit due to damaged wiring, a fire broke out and one worker Sonu Kumar succumbed to fire injuries. Others suffered minor injuries in the fire that broke out. The case against the accused was that the electric wire needed urgent repair, which was not got repaired by the accused despite being informed of the same, whereby it was alleged against the accused that he had acted rashly and negligently, which resulted in the accident causing the death of the deceased Sonu Kumar. The prosecution examined several witnesses. PW-1, PW-3 and PW-5, who were also working in the factory premises turned hostile and did not support the case of the prosecution. Only PW-6 supported the case of the prosecution. However, the Trial Court has found several contradictions in his testimony. Most importantly, the electric inspection report (Ex.PX) did not support the case of the prosecution. The burnt electric wires, which were produced for inspection were found not showing any signs of electric short circuit and it could not be ascertained that the cause of fire was on account of electric short circuit. In these circumstances, the accused was acquitted on account of lack of

evidence against him.

Learned counsel for the petitioner submits that PW-1, PW-3 and PW-5 turned hostile on account of the fact that they are employees of the accused.

Even if that position were to be accepted, the fact remains that the electric inspection report (Ex.PX) did not establish that the fire resulted on account of a short circuit. This being the position, there is no merit in this petition as the impugned judgment does not call for interference.

Dismissed.

VIPIN SANGHI, J

SEPTEMBER 22, 2016

B.S. Rohella