

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

RESERVED ON : 21st APRIL, 2017
DECIDED ON : 16th MAY, 2017

+ **CRL.A. 457/2014**

NARINDER

..... Appellant

Through : Mr.Harsh Jaidka, Advocate.

versus

STATE & ORS

..... Respondents

Through : Mr.G.M.Farooqui, APP.

Mr.Aman Gaur proxy counsel for
Mr.Rajesh Anand, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J.

CRL.M.A.No.5852/2014 (Delay)

1. For the reasons mentioned in the application for condonation of delay in filing the appeal, the delay is condoned.
2. The application for condonation of delay is disposed of.

CRL.A. 457/2014

1. Aggrieved by a judgment dated 19.12.2013 of learned Addl. Sessions Judge in Sessions Case No.33/12 arising out of FIR No.1031/06 PS Najafgarh whereby the respondents were acquitted under Sections 308/323/34 IPC, the appellant - Narinder has filed the instant appeal. The appeal is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the file. During the course of arguments, learned counsel for the appellant opted to withdraw the present appeal against acquittal. It was urged by him that if the appeal (Crl.A. 381/2014) filed by victim Bimla regarding the incident in question results in dismissal, the appellant - Narinder would not pursue the instant appeal against them.

3. Since Crl.A.381/2014 preferred by Bimla has resulted in its dismissal by a separate judgment in the said proceedings, learned counsel for the appellant does not pursue the instant appeal.

4. In view of the above, the appeal preferred by the appellant stands disposed of as not pressed / withdrawn. Pending application also stands disposed of.

5. Trial Court record be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

MAY 16, 2017 / tr