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

+ CRL.L.P. 600/2017 & CrI.M.A. No. 16979-80/2017

STATE NCT OF DELHI

..... Petitioner

Through: Mr. Rajat Katyal, APP SI Nepal
Singh

versus

ARUN KUMAR SINGH

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

22.11.2017

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The State has preferred the aforesaid leave petition to seek leave to appeal against the judgment dated 30.09.2017 whereby the respondent/accused has been acquitted in SC 385/2015 arising out of FIR 618/2015 registered at PS Fatehpur Beri under Section 376/506 IPC. The leave petition has been filed with a delay of 222 days.

We have heard the learned APP and we find absolutely no merit in this petition. In these circumstances, no useful purpose would be served in issuing notice on the delay application which, in any event, does not appear to have been adequately explained.

The premise on which the respondent has been acquitted is that the prosecutrix had categorically claimed that the respondent had raped her few days after the festival of Holi. She became pregnant and her pregnancy was detected sometime in the month of August. She was then found to be carrying a foetus of 34 weeks, which put the date of conception as in the early January. Moreover, the DNA test of the child born to the prosecutrix did not match with the accused.

In view of the aforesaid position, the prosecution, in our view, has completely failed to establish the charge against the respondent and we find no reason to interfere with the impugned judgment.

Dismissed.

VIPIN SANGHI, J

P.S.TEJI, J

NOVEMBER 22, 2017

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