

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(209)

CRM-2999-2018 in/& CRM-A-249-MA-2018

Date of Decision: September 11, 2018.

State of Haryana

.... Applicant

Versus

Ashok Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Apoorav Garg, DAG, Haryana, for applicant-State.

Ms. Sarika Gupta, Advocate, for the respondent.

M.M.S. BEDI, J (ORAL)

This appeal has been preferred by the State against acquittal of the respondent in a case of rape.

It is not out of place to observe here that the prosecutrix, aggrieved by the acquittal of the respondent, had preferred an appeal before this Court which appeal has already been dismissed by this Court on 21.11.2017.

Counsel for the respondent has made available a copy of order dated 21.11.2017.

When confronted with this situation, counsel for the applicant-State has not been able to satisfy this Court as to how the appeal against acquittal would be maintainable or could be entertained by this Court after dismissal of appeal filed by the victim.

In view of said circumstances, we do not find any ground to condone the delay of 138 days in filing the appeal as no useful purpose will be served by condoning the delay and re-opening the matter which would tantamount to violating the provisions of Section 362 Cr.P.C.

Application (CRM-2999-2018) for condonation of delay of 138 days in filing the appeal, is dismissed.

Application for leave to appeal is also dismissed.

(M.M.S. BEDI)
JUDGE

September 11, 2018

harsha

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No