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

+ **CRL.L.P. 573/2018**

SEEMA

..... Petitioner

Through Mr. Anirudh Tanwar, Advocate

versus

STATE (NCT)OF DELHI & ORS

..... Respondents

Through Mr. Amit Gupta, APP

Insp. Rakesh Kumar, PS Bawana

Mr. Anupam Singh & Mr. Mayank

Kumar, Advocates for R-2 to R-4

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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10.01.2019

CRL.L.P. 573/2018

1. Notice was issued in the present leave petition on 04.09.2018. On the last date of hearing, learned APP was directed to obtain instructions as to whether the State proposes to prefer an appeal against the judgment dated 12.04.2018. Today, Mr. Amit Gupta, APP submits on instructions that the State does not propose to file any appeal against the impugned judgment.

2. At this stage, learned counsel for the appellant refers to a recent judgment of the Supreme Court in *Mallikarjun Kodagali vs. State of Karnataka* (2018 SCC Online SC 1941) wherein the Supreme Court has dispensed with the requirement of filing a criminal leave petition by the victim against an order of acquittal. He states that since it has been clarified that the

victim, if aggrieved by the impugned judgment, is entitled to file an appeal without seeking the leave of the court, the present petition be converted into an appeal.

3. Ordered accordingly. This petition is directed to be registered as an Appeal. The Registry shall assign it a fresh number thereafter.

Crl. A. /2019 (to be numbered)

1. Admit.

2. A compilation of the paper book be prepared by the Registry forthwith and copies thereof be furnished to the learned counsel for the appellant, learned APP and learned counsel for the respondents No.2 to 4.

3. List in due course in Part 'A' of the Regular Cause List, as per its own turn.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 10, 2019

sm/j