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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 273/2017**
STATE OF NCT OF DELHI

..... Petitioner
Through: Mr.Amit Gupta, APP for State.

versus
RAM KUMAR & ORS

..... Respondents
Through: Mr.R.M.Tufail, Ms.Astha, Mr.Iquebal
Nasir and Mr.Nahid Naasir,
Advocates.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
21.01.2019

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1. By a separate order passed today in CRL.L.P. 317/2017, filed by Smt.Paramjeet Kaur (wife of the deceased), in view of the recent decision of the Supreme Court in the case of *Mallikarjun Kodagali (dead) through L.Rs vs. State of Karnataka, 2018 SCC online SC 1941* dated 12th October, 2018, the said leave petition has been directed to be converted into a regular criminal appeal and the Registry has been directed to assign it a fresh number.

2. Learned APP for the State submits that since the criminal leave filed by the wife of the deceased has been converted into a regular appeal, this is a fit case where leave ought to be granted to the State as well for assailing the impugned judgment of acquittal dated 4th July, 2017, passed by

the learned Trial Court in a case arising out of FIR No.191/2012. On merits, he states that the Trial Court has failed to appreciate that PW-20 was an injured eye-witness to the incident and was naturally present at the spot on the relevant point of time. Further, PW-23 was another eye-witness present at the spot and he spelt out the role of each and every accused person present during the commission of the crime and he had also exhibited the case property before the Court.

3. We have perused the leave petition as also the grounds taken therein and are of the opinion that leave ought to be granted to the State to assail the impugned judgment dated 4th July, 2017.

4. Ordered accordingly. Leave is granted to the State and the present leave petition is converted into a regular appeal.

5. The leave petition is disposed of.

CRL.A. /2019 (to be numbered)

6. The Registry is directed to assign a fresh number to the appeal and tag the same with the criminal appeal preferred by Smt.Paramjeet Kaur, wife of the deceased for being taken up for hearing together. It is clarified that the State appeal shall be treated as the lead case for purposes of arguments. Written submissions shall be filed by the parties in the State appeal and copies shall be exchanged with each other within four weeks.

7. The Respondents No.4 to 7 herein shall furnish bail bonds in the sum of Rs.25,000/- each alongwith one surety of the like amount each, to the satisfaction of the Joint Registrar (Judicial). For the said purpose, the

respondents No.4 to 7 shall appear before the Joint Registrar (Judicial) on 29th January, 2019. In case of change of address, the respondents No.4 to 7 shall inform the same to the Investigating Officer at the earliest. They shall also furnish their mobile number to the I.O and keep the said number active.

8. LCR has already been requisitioned. Registry is directed to prepare compilations. Learned counsel for the parties will be at liberty to collect the same directly from the Registry.

9. List the appeal in Part-B of the Regular Cause List at its own turn, in the week commencing 05.03.2019.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 21, 2019

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