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

+ **CRL.L.P. 652/2016**

STATE

..... Petitioner

Represented by: Ms. Rajni Gupta, APP with ASI
Sanjay Kumar PS Lodhi Colony.

versus

GAJA NAND RAO

..... Respondent

Represented by: Mr. Basant Kr. Gautam, Adv.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.02.2019

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CrI.M.A. 19282/2016

For the reasons stated in the application delay of 109 days in filing the leave to appeal is condoned.

Application is disposed of.

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Learned APP for the State has taken this Court through the testimony of Veena Devi the complainant PW-1 who sated that her husband who is a respondent herein purchased a liquor of bottle and returned home at 10.30 PM. Thereafter they went to the roof of the house and her husband took liquor. In the midnight around 12.30-12.45 AM they came back to the room and took dinner. She slept in the room when her husband hit her on the face, dragged her from the bed and threw her on the floor resulting in injuries to her and she became unconscious.

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As per the MLC of the injured the injuries have been opined to be grievous in nature which fact has also been deposed to by Dr. Prakash Ranjan Mishra who appeared as PW-6. Further a suggestion has been given by the respondent/ accused that while receiving injuries tooth of the injured had broken which was obviously a grievous injury.

Considering the overwhelming evidence on record, the finding of the learned Trial Court that the nature of injury has not been proved by the prosecution appear to be erroneous. Leave to appeal is granted.

Petition is disposed of.

CRL.A. _____/2019 (Registry to number the appeal)

Admit.

List for hearing on 4th September, 2019.

In the meantime the respondent will furnish a personal bond in the sum of ₹25,000/- with one surety bond of the like amount to the satisfaction of the learned Joint Registrar (Appellate) of this Court within four weeks, further subject to the condition that during the pendency of the appeal in case there is a change in the residential address of the respondent the same will be intimated to this Court by way of an affidavit.

Order dasti.

MUKTA GUPTA, J.

FEBRUARY 11, 2019
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