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

+ CRL.L.P. 812/2018

SHAMS TANVIR AHMAD

..... Petitioner

Through: Ms.Akanksharaha and Ms.Swati Tomer,
Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Ms.Radhika Kolluru, APP for State with
Inspector Panka Kumar, PS Special Cell.
Mr.S.C. Buttan and Mr.Fahad Imtiaz,
Advocates for R-2 to 6.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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28.01.2019

CRL.M.A.49144/2018 (Condonation of Delay)

The present application under Section 5 of the Limitation Act, 1963 instituted on behalf of the applicant/appellant seeks condonation of delay of 6 days in filing the accompanying leave petition.

Notice.

Counsel as above, accept notice on behalf of the non-applicants/respondents and fairly do not oppose the application.

In view of the foregoing and for the reasons stated in the application, which are duly supported by an affidavit, the application is allowed. The delay of 6 days in filing the accompanying appeal is condoned.

The application is disposed of accordingly.

CRL.M.A.49145/2018 (Condonation of Delay)

The present application under Section 5 of the Limitation Act, 1963 instituted on behalf of the applicant/appellant seeks condonation of delay of 240 days in re-filing the accompanying leave petition.

Notice.

Counsel as above, accept notice on behalf of the non-applicants/respondents and fairly do not oppose the application.

In view of the foregoing and for the reasons stated in the application, which are duly supported by an affidavit, the application is allowed. The delay of 240 days in re-filing the accompanying appeal is condoned.

The application is disposed of accordingly.

CRL.L.P. 812/2018

In view of the decision of the Hon'ble Supreme Court of India in **Mallikarjun Kodagali (Dead), represented through Legal Representatives vs. State of Karnataka & Ors.**, reported as **2018 (14) SCALE 32**, the victim is no longer required to apply for leave to appeal against the order of acquittal.

Even otherwise, we are informed at the bar that the leave petition being Crl.L.P. No.150/2017 titled as "State vs Narender & Ors." instituted on behalf of the State against the judgment made in the present proceedings has already been granted.

Consequently, the present criminal leave to appeal is allowed. The matter is directed to be registered as a Criminal Appeal and be listed in due course along with Criminal Appeal No.1097/2017.

CRL.A. /2018 (To be numbered)

Issue notice.

Counsel as above, accepts notice on behalf of the respondents.

Having heard learned counsel for the parties, the present appeal is admitted.

List in due course.

The Registry is directed to prepare the appeal paper book and supply copies thereof to learned counsel for the parties, forthwith.

SIDDHARTH MRIDUL, J

SANGITA DHINGRA SEHGAL, J

JANUARY 28, 2019
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