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

+ CRL.L.P. 669/2019

STATE

..... Petitioner

Through: Mr. Ashish Dutta, APP for State with
Inspector Man Mohan, ASI Santosh,
PS- South Rohini.

versus

VINAY KUMAR

..... Respondent

Through: Mr. K.V. Balkrishnan and Mr. Rahul
Kumar Sharma, Advocates with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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06.03.2020

CRL.M.A. 41911/2019 (delay in re-filing)

The present application under Section 5 of the Limitation Act, 1963, filed on behalf of the applicant/appellant, seeks condonation of delay of 19 days in re-filing the accompanying appeal.

Issue notice.

Mr. K.V. Balkrishnan, learned counsel accepts notice on behalf of the respondent and fairly does not oppose the application.

For the reasons stated in the application, which are duly supported by an affidavit, the application is allowed. The delay of 19 days in re-filing the accompanying appeal is condoned.

The application is disposed of accordingly.

CRL.L.P. 669/2019

Having heard learned counsel appearing on behalf of the parties and perused the trial Court record, including the testimony of the victim PW-6,

read in conjunction with the testimony of PW-4 and PW-5, we are of the considered view that the State has made good ground for the grant of leave to appeal against the impugned judgment dated 20th August, 2019.

The leave petition filed on behalf of the State is allowed and disposed of accordingly. The matter is directed to be registered as a Criminal Appeal.

CRL.A...../2020 (to be numbered)

Let this criminal appeal be registered and numbered.

Issue notice.

Mr. K.V. Balkrishnan, learned counsel accepts notice on behalf of the respondent.

Admit.

List in due course in the category of “Regular matter ‘*Part-C*’(cases relating to Section 376 of the IPC)”.

The Registry is directed to prepare the appeal paper books forthwith and provide copies thereof to learned counsel appearing on behalf of the parties.

The respondent is directed to appear before the Registrar (Appellate) on 20th March, 2020 and furnish personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the said Registrar, to secure his presence before this Court, as and when, the appeal is taken up for hearing. The respondent undertakes to inform this Court on affidavit, in the event, if there is any change in his residential address.

SIDDHARTH MRIDUL, J

I.S.MEHTA, J

MARCH 06, 2020/vp