



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: 10th July, 2023

+

CRL.L.P. 198/2023**THE STATE (NCT OF DELHI)**

..... Petitioner

Through: Ms. Shubhi Gupta, learned
APP for State.
Inspector Sachin Mann with SI
Sangeeta and PSI Pinki from
P.S. S.B. Dairy.

versus

KIRPAL

..... Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)****CRL.M.A. 10461/2023 (Condonation of Delay)**

1. By way of the present application, appellant/State seeks condonation of Delay of 392 days in filing the present Criminal Leave Petition against the impugned judgment dated 19.02.2021 passed by Ms. Shefali Sharma, Additional Sessions Judge, FTSC, POCSO, North, Rohini Courts Courts Complex, Delhi in case Original/Main Charge-sheet in FIR No.463/2014 dated 15.04.2014, Police station Shahbad Dairy, Delhi registered under Sections 368/342/376D/34 of IPC read with Section 6 of POCSO Act whereby the learned Trial Court has dismissed the case of the prosecution holding that the appellant/prosecution has not been able to prove its case against the accused beyond reasonable doubt.

2. Pertinently, the appeal against the impugned judgment dated 19.02.2021 was to be filed within statutory period of 90 days.

3. Upon hearing learned counsel appearing on behalf of the

CRL.L.P. 198/2023**Page 1 of 2**

Signature Not Verified

Digitally Signed By: RIYANKA ANEJA

Signing Date: 11/07/2023 17:40:32



appellant/State and on perusal of application, this Court finds that the file of the present case was marked to the then learned APP, Ms. Neelam Sharma on 26.10.2021 for drafting the appeal, however, since her tenure was coming to an end, she was unable to draft it due to paucity of time. Thereafter, the file was marked to learned APP, Ms. Manjeet Arya and the appeal was prepared and filed on 27.03.2023 with a delay of 392 days.

4. Relevantly, this court is conscious that due to COVID-19 Pandemic, the Hon'ble Supreme Court in *Suo motto* Writ Petition (C) No.3/2020 directed the period from 15.03.2020 till 14.03.2021 to be considered out of limitation. However, the present appeal has been filed only in March, 2023 and no plausible explanation has been put forward by appellant/State for delay caused between February, 2021 till March, 2023. In the considered opinion of this Court, the appeal sought to be preferred is hit by huge delay and latches.

5. Accordingly, finding no merit in the present application the same is dismissed.

CRL.L.P. 198/2023

6. In view of order passed in CRL.M.A.10461/2023, the appeal is rejected.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JULY 10, 2023/va