

\$~14

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

%

Date of decision: 06th July, 2023

+

CRL.L.P. 322/2023

THE STATE (NCT OF DELHI)

..... Appellant

Through: Mr. Tarang Srivastava, APP
for State.

versus

AARIF

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

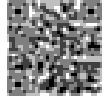
J U D G M E N T (oral)

CRL.M.A. 17238/2023

1. By way of the present application, appellant/State seeks condonation of delay of 547 days in filing the present accompanying Criminal Leave Petition against the impugned judgement dated 20.12.2019 passed by Shri Amit Kumar, Additional Sessions Judge – 01, Special Court, POCSO (North-West), Rohini, Delhi, in case in Original/Main Charge-sheet in FIR No. 263/2013 dated 25.04.2013, Police Station Mangolpuri, Delhi registered under Section 363/376(1)/376(2)(H)/302 of IPC read with Section 4 of POCSO Act whereby the learned Trial Court has dismissed the case of the prosecution and held that no charges have been proved against the accused. The accused was acquitted accordingly.

2. Pertinently, the appeal against the impugned judgment dated 20.12.2019 was to be filed within statutory period of 90 days.

3. Upon hearing learned counsel appearing on behalf of the 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 21.03.2020 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 05.06.2023 with a delay of 547 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 June, 2023 and no plausible explanation has been put forward by the appellant/State for delay caused between March, 2021 till June, 2023. In the considered opinion of this Court, the appeal sought to be preferred is hit by huge delay and laches.

5. Accordingly, we find no merit in the present application and the same is dismissed.

CRL.L.P 322/2023 & CRL.M.A. 17237/2023

8. In view of order passed in CRL.M.A. 17238/2023, the appeal and the application are rejected.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JULY 06, 2023/pa