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

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Date of decision: 07.07.2023

+ CRL.L.P. 325/2023

THE STATE (GNCT OF DELHI)

..... Petitioner

Through: Ms.Shubhi Gupta, APP for State.
SI Manju Yadav PS Tilak Nagar.

versus

MUKESH

..... 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. 17439/2023**

1. By way of the present application, appellant/State seeks condonation of delay of 439 days in filing the present Criminal Leave Petition against the impugned judgment dated 06.02.2020 passed by Dr.Archana Sinha, Additional Sessions Judge-06, West Tis Hazari Courts Complex, Delhi in case in Original/Main Charge-sheet in FIR No. 1029/2015 dated 14.07.2015, Police Station Tilak Nagar, Delhi registered under Sections 376/506 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 persons beyond reasonable doubt.

2. Pertinently, the appeal against the impugned judgment dated 06.02.2020 was to be filed within statutory period of 90 days.

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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 09.11.2020 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 439 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 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 latches.

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

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6. In view of order passed in CRL.M.A. 17439/2023, the appeal and application are rejected.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JULY 07, 2023/ab

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