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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.L.P. 152/2023

THE STATE OF NCT OF DELHI

..... Petitioner

Through: Ms. Manjeet Arya, APP for the State
with SI Shivam, PS Bharat Nagar.

versus

SUSHIL KUMAR ALIAS MONTU

..... Respondent

Through: Mr. Abhinav Kajal, Amicus Curiae.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

02.02.2024

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CRL.M.A. 7401/2023 (for condonation of delay)

For the reasons stated in the application, the application is allowed. The delay in filing the petition is condoned.

CRL.L.P. 152/2023

1. The present petition has been filed on behalf of the State seeking leave to appeal against the impugned judgment dated 25.03.2022 passed by learned ASJ-01, Special Court, POCSO, North-West District, Rohini Courts Complex, Delhi whereby the respondent has been acquitted.
2. It is submitted by learned Addl. P.P. that accused was acquitted of offences under Sections 5(m) and 6 of POCSO, Act, 2012 as learned Trial Court was of the view that the prosecution has failed to bring home the guilt of accused for the charged offences in the matter.
3. Notice issued.
4. Learned counsel for respondent accepts notice.
5. In view of the statement recorded under Section 164 Cr.P.C. and the deposition before the Court of the prosecutrix, aged about 7 years

CRL.L.P. 152/2023

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only wherein she has made specific allegations of sexual assault against the respondent, we hereby grant leave to appeal to State.

6. Criminal appeal be registered.

7. In view of the above, the present petition stands disposed of.

Crl. A. No...../2024 (to be registered)

8. Admit.

9. Learned counsel for respondent accepts notice.

10. Paper-book be prepared and e-copy thereof be placed on record before the next date of hearing.

11. Let appellant furnish a complete set of appeal and paper-book to learned counsel appearing on behalf of respondent.

12. Respondent shall appear before the Joint Registrar on 04.03.2024 and be admitted on bail on their furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount.

13. Registry is directed to prepare paper-book and e-copy thereof be placed on record before the next date of hearing.

14. List before Court on 16th May, 2024 in the category of 'Final Hearing'.

15. Parties are directed to file written submissions not exceeding five pages with relevant judgments/documents relied upon by them with relevant portion duly highlighted for convenience of this Court within four weeks from today.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

FEBRUARY 2, 2024/st