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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.L.P. 164/2022

STATE

.....Petitioner

Through: Mr. Mukesh Kumar, APP for the
State.
SI Deepak Sahu, PS PulPrahladpur.

versus

MANOJ KUMAR

.....Respondent

Through: Mr. Siddharth Yadav and Mr.
Prashant Jain, Advocates alongwith
respondent in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SACHIN DATTA

ORDER

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16.08.2024

1. This hearing has been done through hybrid mode.
2. This is a leave petition filed on behalf of the Appellant-State (NCT of Delhi) under Section 378 Cr.P.C. seeking leave to file an appeal challenging the impugned judgment dated 19th December, 2019 passed by Special Judge (NDPS), South-East, Saket Court, New Delhi in Sessions Case No. 2663/2016 in FIR No. 77/16, P.S. PulPrahladpur, under Section 302 IPC. Vide the said impugned judgment dated 19th December, 2019 the Trial Court has acquitted the Accused/Respondent of the offences charged under Section 302/379/411 IPC.
3. The case of the Petitioner/ State is that there is sufficient evidence, even though circumstantial evidence, to prove the guilt of the Accused/ Respondent.
4. Ld. Counsel for the Accused/Respondent objects and submits that



there is no sufficient link in order to establish the connection between the Accused/Respondent and the offence. The alleged illicit relationship between the deceased and the wife of the Accused/Respondent has not been proved and hence leave ought not to be granted.

5. Ld. APP for the State, however, rebuts the same and submits that the clothes of the Accused/Respondent covered with blood of the deceased were recovered on 16th April, 2016, *i.e.*, three days after the arrest of the Accused *i.e.*, 13th April, 2016. He further submits that the mobile phone of the deceased was also recovered from the house of the in-laws of the Accused, at the instance of the Accused, which contained the blood of the deceased and the same has been proved with forensic examination.

6. Considering the nature of the offence and the allegations, leave is granted. The present criminal leave petition is allowed and disposed of.

7. Pending applications, if any, are also disposed of accordingly.

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

8. The Registry is directed to assign number to the appeal accordingly.

9. Ld. Counsel for the Respondent accepts notice of admission of appeal.

10. In the meantime during the pendency of the appeal, the Respondent is directed to furnish a personal bond in the sum of Rs. 5,000/- with one surety of like amount to the satisfaction of the Joint Registrar (Judicial) of this Court.

11. The Registry is further directed to prepare and place on record the paperbook and e-Trial Court Record. Learned Counsels for the parties may obtain the electronic record of the Court, including the TCR and the paperbook, upon request from the Registry.

12. List before Joint Registrar on 7th October, 2024.



13. List before Court on 25th November, 2024 in the category of 'final hearing'.
14. Respondent is present in person and is directed to remain present in the Court on the next dates of hearing as well, either physically or virtually.
15. Nominal roll be requisitioned in order to ascertain if the Respondent has undergone any incarceration.
16. Copy of the order be communicated to the concerned Jail Superintendent for information and compliance.

PRATHIBA M. SINGH, J.

SACHIN DATTA, J.

AUGUST 16, 2024/sn