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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.L.P. 253/2023, CRL.M.A. 13069/2023 & 13173/2023

STATE

.....Petitioner

Through: Mr. Mukesh Kumar, APP.

versus

MAHESH BANSAL & ORS.

.....Respondents

Through: Mr. Deepak Sharma with Ms. Laxmi
Sharma and Ms. Renu Gahlot,
Advocates for respondent Nos.1 to 5.

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. The present appeal has been filed on behalf of the State challenging the impugned judgment dated 23rd July, 2022 passed by ASJ-02 (NE), Karkardooma Courts, Delhi in SC No. 44813/2015 arising out of FIR No. 373/2011 registered at P.S. Shahdara under Sections 304B/498A/34 IPC. Vide the said impugned judgment, the Trial Court has acquitted all the Respondents/Accused of all charges.
3. An application being **CRL.M.A. 13173/2023** is filed on behalf of the State under Section 5 of the Limitation Act seeking condonation of 147 days in filing the present appeal.
4. Ld. Counsel for the Respondents has vehemently opposed the application seeking condonation of delay and has cited decisions of this Court in *The Govt. of NCT of Delhi v. Malay Kumar Ghosal [(2017) SCC*



OnLineDel 11098] and ***State (NCT of Delhi) v. Dheeraj, [(2017) SCC OnLine Del 11019].***

5. Ld. Counsel for the Respondents further submits that delay in filing the appeal is of 230 days and not 147 days. The impugned judgment is dated 23rd July, 2022 and the appeal was filed on 15th May, 2023.

6. The peculiarity with regard to this case is that the offences under which the accused were charge sheeted are under Sections 302, 498A and 304B IPC. Further, the mother of the deceased has already filed an appeal being ***CRL.A. 592/2022*** which has been admitted today by the Court.

7. Since the same judgment dated 23rd July, 2022 has also been challenged by the State, this Court is of the opinion that the State's appeal also deserves to be heard and leave deserves to be granted. In the aforesaid judgments cited by the Ld. Counsel for the Accused, such a position did not exist and accordingly, the present case distinguishes itself from the cases cited by Ld. Counsel for the Respondents.

8. The application, ***CRL. M.A. 13173/2023*** seeking condonation of delay in filing the present leave petition is disposed of. The criminal leave petition is taken on record.

9. An application being ***CRL.M.A. 13069/2023*** is filed on behalf of the State seeking grant of leave to appeal.

10. The Court has also perused the grounds. Accordingly, the leave to appeal is granted. In view thereof, the leave petition along with ***CRL.M.A. 13069/2023*** is also disposed of.

11. Let the appeal be numbered.

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

12. The Registry is directed to assign number to the appeal.



13. Ld. Counsel for the Respondents, Mr. Deepak Sharma accepts notice of admission of appeal.
14. In the meantime, during pendency of the appeal, the Respondents are directed to furnish a personal bond in the sum of Rs. 10,000/- each with one surety of like amount to the satisfaction of the Joint Registrar (Judicial) of this Court.
15. The Registry is further directed to prepare and place on record the paperbook and e-Trial Court Record.
16. Ld. Counsel for the parties may obtain electronic records of the Court, including the TCR and the paperbook, upon request from the Registry and file their written submissions on or before the next date of hearing.
17. List before the Joint Registrar on 27th September, 2024.
18. List before the Court on 5th November, 2024 in the category of 'final hearing'.

PRATHIBA M. SINGH, J.

SACHIN DATTA, J.

AUGUST 16, 2024
MR/RKS