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

+ **CRL.L.P. 330/2019**

STATE OF NCT OF DELHI

..... Petitioner

Through: Mr. Pradeep Gahalot, APP
for the State alongwith
Ms. Ritika Juneja, Ms.
Pallavi Jain, Mr. Promil
Seth Mago & Mr. Ankur
Tuli, Advocates & SI
Vikas Yadav (P.S.
Badarpur).

versus

ANIL KUMAR

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

28.05.2024

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1. The present petition is filed on behalf of the State seeking setting aside of the judgment dated 18.12.2018 passed by the learned ACMM, South-East, Saket Court, Delhi, whereby the respondent was acquitted in Sessions Case No. 88604/2016 pertaining to FIR No. 44/2013 registered at Police Station Badarpur for offences under Sections 279/338 of the Indian Penal Code, 1860 and for offences under Sections 3/181 of the Motor Vehicles Act, 1988.

2. The learned Additional Public Prosecutor for the State has taken this Court through the chargesheet filed in the present case.

3. It is pointed out that apart from the complainant, another person, namely, Laxman had sustained grievous injury and was also named as PW-7.

4. He submits that the learned Trial Court erroneously



acquitted the accused after noting that the complainant has not supported the case of the prosecution.

5. He submits that the learned Trial Court held that since the complainant has not supported the case, no purpose would be served by examining rest of the witnesses who are formal in nature.

6. He vehemently contends that PW-7 was another victim who was injured at the time of the incident and was not formal in nature.

7. The matter requires consideration. The present petition is allowed and the petition is directed to be registered as criminal appeal.

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

8. Admit.

9. Issue notice.

10. The respondent appears in person and states that his lawyer was in Court till 04:00 PM then he had to leave.

11. He requests for an adjournment.

12. The Registry is directed to assign number to the appeal, before the next date of hearing.

13. The respondent is directed to appear before the Joint Registrar to furnish surety bonds on 24.07.2024 in the sum of ₹10,000/- with one surety in the like amount, and before this Court on 07.10.2024.

AMIT MAHAJAN, J

MAY 28, 2024

'Aman'