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

+ CRL.REV.P. 650/2024 CRL.M.(BAIL) 836/2024

LAXMAN SINGH

.....Petitioner

Through: Mr. Varun Tyagi, Mr. Bharat Gupta,
Ms Akshita Harjai, Advs

versus

THE STATE (GOVT, OF NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP for State
SI Jeetendra K Singh, PS Mukherjee
Nagar

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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17.12.2024

1. This petition has been filed challenging the judgment and order dated 04th April 2024 passed by the ASJ-04, North District, Rohini, Delhi in Criminal Appeal No.65/2021 titled *Laxman Singh v. State*, whereby appeal filed by the petitioner was dismissed.
2. The said appeal had been filed by the petitioner challenging the judgment of conviction dated 28th September 2019 passed by ACMM, North District, Rohini Courts, Delhi in FIR No.568/2001 under Sections 409/420/468, IPC, PS Mukherjee Nagar, convicting the petitioner of the offences under Sections 409/468 of the IPC, and against the order on sentence dated 16th September 2021, sentencing the petitioner to undergo simple imprisonment for three years and fine of Rs.25,000/- for the offence under Section 409 of the IPC, and Simple Imprisonment of two years and fine of Rs.25,000/- for the offence under Section 468 of the IPC. The sentences were directed to run concurrently.



3. Counsel for petitioner submitted that while the allegations pertained to embezzlement of cash from 05th August 1997 to 12th May 1999, the FIR was registered only on 08th November 2001 i.e. after a delay of about 2.5 years. He submitted that there is no plausible reason for this delay. Further, sanction under Section 197 Cr. P.C. from the competent authority, being, CEO, Delhi Jal Board, was not taken either.
4. This Court suspended the petitioner's sentence on 16th May 2024.
5. A perusal of the impugned judgement by the ASJ would show that there is no application of mind and judgement is completely summary in nature, with only a couple of paragraphs, without appreciating contentions of the parties, in what is a statutory appeal against conviction.
6. Accordingly, the matter is remanded to the Court of ASJ for fresh hearing of the petitioner's appeal. Pleas of petitioner be considered adequately and a reasoned order be passed in accordance with law.
7. The matter be placed before the Principal District & Sessions Judge, (North District), Rohini Courts, Delhi on 15th January 2025 for information and further allocation of the matter to the designated court.
8. Needless to state that this Court has not assessed the matter on merits and the Appellate Court will consider the appeal of petitioner, *de novo* without being influenced by observations made by this Court or the impugned judgement dated 4th April 2024, whereby petitioner's appeal was previously dismissed.
9. This petition stands disposed of with these directions. Pending applications are rendered infructuous.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 17, 2024/sm/sc