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

+ **CRL.L.P. 489/2019**

STATE

.....Petitioner

Through: Mr. Naresh Kumar
Chahar, APP for the State.
Insp Pradeep Rai, Sector-
3, EOW.

versus

SUBHASH RASTOGI & ANR.

.....Respondents

Through: Mr. Ajay Kr. Yadav, Adv.
through V.C.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **05.12.2024**

CRL.M.A. 34650/2019 *(for condonation of 57 days delay in
filing the appeal).*

1. For the reasons stated in the application, the same is
allowed and the delay of 57 days in filing the present appeal is
condoned.

2. The application stands disposed of.

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3. The learned proxy counsel for the respondent requests for
an adjournment on the ground that main counsel is not available.

4. The learned Additional Public Prosecutor for the State
submits that the accused persons have been acquitted on
erroneous consideration of the evidence. He submits that the
learned Trial Court held that the prosecution has not been able to
prove beyond reasonable doubt that the premises, where the fire
broke, was in possession of the respondents.

5. He submits that the injured persons had specifically
deposed that the property was occupied by the respondents and,



even if, they did not own the said premises, the liability would still be fastened on them. He submits that the telephone installed in the premises was also in the name of the Respondent No.2.

6. The matter requires consideration.

7. Leave is granted.

Criminal Appeal /2024 (to be numbered)

8. The incident in the present case relates to the year 1999.

9. Let the appeal be taken up for final arguments on 25.04.2025.

AMIT MAHAJAN, J

DECEMBER 5, 2024

“SK”