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

+ **CRL.L.P. 214/2021**

STATE NCT OF DELHI

.....Petitioner

Through: Mr. Ritesh Kumar Bahri APP, with
Mr. Lalit Luthra & Ms. Divya Yadav,
Advs.

versus

ROSHAN ALI @ CHUNNU & ANR.

.....Respondents

Through: Mr. Joney, Ms. Pratibha and Mr. Vipin
Adv.
SI Vineet, PS Madhu Vihar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **01.10.2024**

1. This hearing has been done through hybrid mode.
2. The present leave to appeal has been filed by the State under Section 378(3) Cr.P.C. seeking leave to challenge the impugned judgment dated 4th December, 2019.
3. The stand of the State is that the acquittal of the accused- Roshan Ali @Chunnu is not justified considering the evidence of the prosecutrix and other evidence on record.
4. The Court has heard the Id. Counsels for the Petitioner/State as also the accused. A perusal of the impugned judgment would show that the Id. Trial Court has acquitted the accused persons on the basis of two alleged contradictions *i.e.*, first with respect to the date of the incident, and second, as to the presence of the minor brothers of the survivor at the time of the alleged



incident.

5. Mr. Bahri, Id. Counsel for the State, has highlighted that the allegation against the accused was that there were two incidents *i.e.*, on 11th August, 2014 and 13th August, 2014, thus, insofar as the presence of the minor brothers of the Survivor is concerned in respect of two incidents, the evidence may be different and the same cannot be read as a contradiction.

6. Insofar as the contradiction in respect of the date of incident is concerned, this Court is of the opinion that the mere mention of the wrong year by the Survivor in her cross-examination cannot singularly result in acquittal.

7. Under such circumstances, the Court is inclined to grant leave.

8. Leave is granted to appeal against the impugned judgment dated 4th December, 2019.

9. The present criminal leave petition is allowed and disposed of.

10. The same may be registered as a criminal appeal and the registry is directed to number it accordingly.

CRLA..... (to be numbered)

11. Admit.

12. The Registry is directed to requisition the TCR and prepare the appeal paperbook with proper indexing, pagination, and bookmarks expeditiously and provide digitized copies thereof to learned Counsel appearing on behalf of the parties, upon request. Let the TCR be tagged along with this appeal by the next date of hearing.

13. Id. Counsel for the Respondents accepts notice of the admission of the appeal.

14. Respondents shall appear before the Id. Joint Registrar on 4th



November, 2024 and be admitted to bail on furnishing their respective personal bonds in the sum of Rs.10,000/- each with one surety in the like amount.

15. Parties are directed to file their short written synopsis along with any judgements they wish to rely upon, by the next date of hearing.

16. List before Court on 13th December, 2024.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

OCTOBER 01, 2024

dj/pr/ms