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

+ **CRL.L.P. 525/2023 & CRL.M.A. 28707/2023**

STATE

.....Petitioner

Through: Mr. Mukesh Kumar APP with SI
Bijender, SI Kiran Sethi.

versus

SAMEER

.....Respondent

Through:

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **01.08.2024**

1. This hearing has been done through hybrid mode.
2. This is a petition under Section 378(3) of the CrPC challenging the impugned judgment of acquittal dated 30th January, 2020, passed by Id. ASJ, by which, the Respondent has been acquitted for offences punishable under Sections 363/366 of the IPC as also Section 6 of POCSO Act, 2012, in SC No. 56883/2016 arising out of FIR No. 254/13, under Sections 363/366A/376/342 of the IPC and Sections 4/6 of the POCSO Act, registered at Patel Nagar.
3. The impugned judgment of acquittal was passed on 30th January, 2020 and the leave petition is stated to have been filed sometime in August 2023. After removing objections, it was finally filed only on 6th October, 2023 and the first hearing in the matter was 19th October, 2023.
4. A perusal of the application for condonation of delay shows that there was no justifiable cause which has been given for delay of more than



1145 days. Even if the period during the Covid-19 pandemic *i.e.*, from 15th March, 2020 till 28th February, 2022 is deducted, there is still a substantial period of delay.

5. This Court has also perused the judgment and have seen the testimony of the prosecutrix which does not inspire confidence. There are several contradictions in the said testimony.

6. In view of the facts and circumstances of this case, this Court is not inclined to condone the delay in filing of the present petition.

7. In view of the above, the petition seeking leave to challenge the impugned judgment of acquittal is dismissed with all pending applications, if any.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 01, 2024
MR/BH/NS