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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 218/2022**

STATE OF NCT OF DELHI

.....Petitioner

Through: Mr. Aman Usman, APP for the State
with SI KM Barti, P.S. Vasant Vihar.

versus

JAGDISH

.....Respondent

Through: Mr. Dwarka Sawale, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **09.10.2024**

1. This hearing has been done through hybrid mode.
2. This a petition under Section 378(1) of the CrPC seeking leave to appeal against the impugned judgment dated 9th December, 2019 passed by Id. ASJ-01, Patiala House Courts, New Delhi in ***Sessions Case No. 8876/2016*** arising out of ***FIR No. 529/2016*** registered at PS Vasant Vihar under Sections 376(2)(f) of IPC and Section 6 of POCSO Act. *Vide* the said judgment the Accused/Respondent has been acquitted by the Trial Court.
3. Mr. Aman Usman, Id. APP for the State has pointed out that the survivor in this case was approximately 15 months old. It is stated that the Accused/Respondent and the family of the survivor were working as domestic help under a common employer. Further, the said parties were also living in the same premises. Id. APP has relied upon the FSL report to argue that the allegation of rape stands proved by the presence of the DNA of the child survivor found in the nails of the Accused/Respondent.
4. Heard. The crucial piece of DNA evidence appears to have been ignored by the Id. Trial Court. Either way, this Court has perused the



impugned judgment of acquittal passed by Id. Trial Court and some of the evidence which has been led by the prosecution, and is of the view that this is a fit case of grant of leave to appeal.

5. Leave granted.

6. The present criminal leave petition is allowed and disposed of. The same may be registered as a criminal appeal and the Registry is directed to number it accordingly.

7. Pending applications, if any, are also disposed of accordingly.

CRL.A...../2024 (to be numbered)

8. Admit.

9. Id. Counsel for the Respondent accepts notice of the admission of the appeal. The Respondent shall appear before the Id. Joint Registrar on 24th October, 2024 and be admitted to bail on furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount.

10. In the meantime, 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.

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

12. List before the Court on 12th December, 2024.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

OCTOBER 9, 2024/bsr/ms