



\$~8

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

+ **CRL.L.P. 590/2022 & CRL.M.A. 26776/2022**

STATE (GNCT OF DELHI)

..... Petitioner

Through: Ms. Manjeet Arya, APP for State.
SI Suraj PS Mehrauli.
SI Mukti Security.

versus

MOHD. SAJID ALI

..... Respondent

Through: Ms.Glory Rana & Mr.Jubin Rana,
Adv. with respondent in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
24.01.2024

%

1. The present petition has been filed on behalf of the petitioner-State under Section 378(3) Cr.P.C. seeking leave to appeal against the impugned judgment dated 06.12.2021 passed by learned ASJ(FTSC), POCSO, South, Saket Courts, Delhi in FIR No.50/2016 registered at police station Mehrauli for the offences punishable under Sections 376(2)/506 IPC read with Sections 5 & 6 of the POCSO Act.

2. It is averred on behalf of the State that vide impugned judgment dated 06.12.2021 accused has though been convicted for the offence punishable under Section 354-A(2) IPC, but has been acquitted of the offence under Sections 376(2)/506 IPC and Section 6 read with Section 5

CRL.L.P. 590/2022

Page 1 of 3



of the POCSO Act while giving him the benefit of doubt.

3. Learned APP appearing on behalf of the petitioner-State submits that the learned trial Court did not appreciate the evidence brought on record in its entirety which led to acquittal of accused. Learned APP further submits that prosecutrix was minor at the time of alleged incident and at the time of her medical examination, she narrated the history of assault which is recorded in the MLC. Even before the learned Magistrate, the prosecutrix under Section 164 Cr.P.C. reiterated her version, thereby strengthening the case of the prosecution which has been, somehow, ignored by the learned trial Court.

4. Notice issued.

5. Learned counsel for respondent accepts notice and submits that learned trial Court has passed reasoned order thereby acquitting the respondent for the offence under Sections 376(2)/506 IPC and Section 5 of the POCSO Act. It is also contended that though respondent has been convicted under Section 354-A(2) IPC, he is in the process of filing the appeal against the said conviction.

6. Upon hearing, this Court finds that in view of deposition of victim (PW-1) and MLC Ex.PW-2/B, it is a fit case to grant leave to appeal to State.

7. Criminal appeal be registered accordingly.

8. The petition is, accordingly, allowed and disposed of.

Crl. A. No...../2024 (to be registered)

9. Admit.

10. Learned counsel for respondent accepts notice of admission of the appeal.



11. Registry is directed to prepare paper-book and e-copy of the appeal be supplied to the learned counsel appearing on behalf of the parties within one week.

12. Respondent shall appear before the learned Joint Registrar on 09.02.2024 and be admitted to bail on his furnishing a personal bond in a sum of Rs.10,000/- with one surety in the like amount.

13. Renotify on 22.04.2024 in the category of '*Final Hearing*'.

14. Parties are directed to file written submissions not exceeding five pages with relevant judgments/documents relied upon by them with relevant portion duly highlighted for convenience of this Court within four weeks from today.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

JANUARY 24, 2024/ab