



2024:DHC:7777



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****RESERVED ON – 06.08.2024**

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PRONOUNCED ON –07.10.2024

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CRL.L.P. 38/2020**STATE (NCT OF DELHI)****.....Petitioner**

Through: Mr. Satish Kumar, APP for the State
with SI Vivek Singh, PS Sarojini
Nagar with SI Sandeep Kumar, PS
Ambedkar Nagar.

versus

NARESH KUMAR**.....Respondent**

Through: Mr. Umang Tyagi, Mr. Rajan Tyagi,
Mr. Desh Deepak, Ms. Nikita Anand,
Ms. Aditi Kapoor, Ms. Aishwarya
Kapoor, Advs.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T**DINESH KUMAR SHARMA,J.:**

1. The present petition has been filed seeking grant of leave to appeal against the judgment dated 24.09.2019 passed by learned MM-05, New Delhi, Patiala House Courts, Delhi. Vide the impugned order, the learned MM has recorded acquittal of the respondent for the offence under Sections 279/304-A in case FIR No. 484/2009 registered at PS Sarojini Nagar, District South, Delhi.
2. The State has filed the present petition for grant of leave to appeal on



the ground that the judgment of acquittal recorded by learned MM is erroneous in law and therefore, the leave may be granted.

3. The respondent has contended that the learned Trial Court has rightly recorded the acquittal as PW-6, the only eye witness has not supported the case of the prosecution and, therefore, in absence of the credible evidence as to the rash and negligent driving by the respondent, the conviction could not have been recorded. Learned counsel for the respondent also submitted that the jurisdiction for the grant of leave is very limited. The Court can only grant the leave if there is patent illegality and perversity in the order of the learned Trial Court.
 4. Submissions considered.
 5. Learned Trial Court has recorded the acquittal as PW-6 in his cross examination has not supported the case of the prosecution and stated that he had not seen the accident as contrary to his examination-in-chief. I consider that there are facts requiring to be considered by the Court. Hence leave granted.
 6. Let it be registered as fresh appeal.
- CRL.A. /2024 (to be numbered)**
7. The present appeal is admitted.
 8. List on 24.01.2025.

DINESH KUMAR SHARMA, J

OCTOBER 07, 2024

Pallavi/ ht