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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.L.P. 124/2024 & CRL.M.A. 6707/2024

STATE

.....Petitioner

Through: Mr. Mukesh Kumar, APP for the
State.

versus

MUNNA SINGH @ MUNNU AND ORS.

.....Respondents

Through:

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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13.08.2024

1. This hearing has been done through hybrid mode.
2. The present leave petition has been filed on behalf of the Petitioner - State under Section 378 read with Section 482 of the CrPC challenging the impugned judgment dated 07th October, 2023 by which, the Respondents have been acquitted by the Trial Court.
3. The leave petition is considerably delayed by approximately 576 days. Even if the benefit of the COVID-19 period from 15th March 2020 till 28th February, 2022 in accordance with the Hon'ble Supreme Court's order in *Suo Moto Writ Petition (C) No.3 of 2020* is given to the Petitioner/State, the petition has only been filed on 20th January, 2024.
4. The only reasonable explanation for delay in filing the leave petition was that the concerned APP for the State to whom the matter was marked was on maternity leave from July 2022 till January 2023. Even if the same is taken into consideration, the leave petition is still delayed by more than one year.
5. The Court has perused the impugned judgment dated 7th October,



2023. The learned Trial Court after meticulously analysing the evidence on record has given a finding that the survivor had made inconsistent statements. It is recorded that the survivor in her initial statement before the IO did not make any allegations against respondent no.1 to 3. It was stated in the said statement that she had married Respondent No.4 (who was declared a Proclaimed Offender during the trial). It is pertinent to note that Respondent No.3 was the father of the survivor and was the author of the FIR which was registered under Section 363 IPC. Thereafter it is recorded that in her statement under Section 164 of the Cr.P.C. she introduces the name of all the aforesaid 3 respondents and makes allegations against them for the first time. It is also noted that no date, month or year has been mentioned in the said statement.

6. The statement of the survivor recorded in the court, is inconsistent with her previous statements. In her statement before the Court the survivor had stated that the allegations made by her against her father i.e., Respondent No.3 was at the behest of Respondent No.4 (Since PO). It was thus held by the learned Trial Court that the survivor's statements at different points of time, are full of improvements and inconsistent with each other. Since the testimony of the survivor was not trustworthy and in the absence of any other corroborative evidence including medical evidence the present respondents have been acquitted. From the records, this court is of the opinion that the view taken by the learned Trial Court is probable and reasonable and has seen that there are considerable inconsistencies in the testimony of the victim which resulted in the acquittal of the Respondents.

7. The present is not a fit case for condonation of delay as also on merits.

8. The delay in filing the present leave petition is therefore not condoned.



9. The present leave petition is hereby dismissed and disposed of accordingly.

10. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 13, 2024/sn/pr/rks