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

+ **CRL.L.P. 25/2023**

**STATE OF NCT OF DELHI THROUGH DEPUTY
COMMISSIONER OF POLICE**

.....Petitioner

Through: Mr. Ritesh Kr. Bahri APP with Ms.
Divya Yadav, Adv., SI Yashveer
Sharma, PS Govind Puri.

versus

ARJUN @BITTU AND ANOTHER

.....Respondents

Through: Mr. Sagar Chandela, Adv. (Through
VC)

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **18.09.2025**

CRL.M.A. 1380/2023 (*Condonation of delay*)

1. This is an application filed by the Appellant under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 172 days in filing the accompanying appeal against the Judgment dated 25.04.2022 passed by Learned Trial Court.

2. Having heard learned counsel for the parties and in view of the reasons assigned in the application, the present application is allowed and the delay is condoned.

3. Accordingly, the present application stands disposed of.

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4. The present leave petition has been filed under Section 378(3) of the Code of Criminal Procedure, 1973,(Cr.P.C) seeking leave to appeal against the Judgment dated 25.04.2022, passed by the learned Additional Sessions



Judge, South District, Saket Courts, Delhi, thereby acquitting the respondents in Sessions Case No. 55/14/2014 arising out of FIR No. 109/2010, registered at Police Station Fatehpur, Beri.

5. Learned APP for the State draws the attention of this Court to the testimony of father of the deceased, namely, Shri Jaipal (PW-1).

6. It is argued that both the assailants had entered the house of the deceased at dead hour of the night and shot him dead from a close range. The incident-in-question was witnessed by the father of the deceased (PW-1), who immediately awoke his son, namely, Shri Praveen (PW-3) and informed him about the incident. According to the father of the deceased (PW-1), he even tried to catch one of the two assailants, but he was threatened that he should stay away, else he would also be killed. He also correctly identified the accused persons in the Witness Box and PW-3 has also supported the case of the prosecution.

7. It is argued that their testimony has been discarded merely for the reason that they could not enlighten as to from where these assailants had gained entry inside the house and from where they made exit, and thus, on this minor and insignificant aspect, the entire version of the eye-witnesses has been disbelieved. It is also submitted that there was no reason for a father to have deposed falsely, particularly when his son was shot in front of his own eyes. It is also argued that there was no reason to disbelieve the ocular evidence merely because there was absence of blackening around the gunshot wound.

8. Having gone through the testimony of prosecution witnesses, including the father of the deceased, we are of the opinion that it is a fit case where leave needs to be granted.



9. Leave is accordingly granted.

CRL.A./2025 (to be numbered)

10. *Admit.*

11. Both the respondents are directed to furnish personal bond and surety bonds in a sum of Rs.25,000/- each and for the abovesaid purpose, they would appear before the learned Joint Registrar (Judicial) on 13.10.2025.

12. List in due course.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

SEPTEMBER 18, 2025/pk/kp