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

+ **CRL.L.P. 36/2018**

STATE

.....Petitioner

Through: Mr. Aashneet Singh, APP with
SI Seema, PS Prashant Vihar

versus

PRASHANT

.....Respondent

Through: Mr. DR Rustagi, Mr. Mohit,
Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

19.02.2025

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CRL.M.A. 655/2018-DELAY IN FILING (108 DAYS)

1. This is an application seeking condonation of delay of 108 days in filing the present leave to appeal petition.
2. It is stated by the learned APP appearing on behalf of the petitioner that the delay in the present petition is due to the administrative process and the moving of the case file for requisite formalities.
3. It is further submitted that the delay was neither intentional nor deliberate and severe prejudice would be caused if the delay is not condoned.
4. In view of the matter, I am satisfied that a sufficient cause has been shown for seeking the condonation of delay in the present petition.
5. For the said reasons, the delay of 108 days in filing the present leave to appeal petition is hereby condoned.
6. Hence, the application is allowed and is disposed of accordingly.

CRL.L.P. 36/2018

7. This is a petition seeking leave to appeal challenging the judgment dated



31.05.2017 passed by the learned Metropolitan Magistrate, North, Rohini Court, Delhi in Case No.DLNT02-000355-2009 arising out of FIR No.885/08 registered at PS Prashant Vihar under Section 325 of the Indian Penal Code, 1860 (“IPC”).

8. *Vide* the impugned judgement, the respondent was acquitted under Section 325 of IPC.
9. The brief facts of the case as per the prosecution are that on 31.10.2008 at about 03.30 pm, the respondent voluntarily caused grievous hurt to the complainant with fist blows and leg blows, thereby committing the offence under Section 325 of IPC.
10. On 26.11.2010, a charge for the offence under Section 325 of IPC was framed against the respondent to which he pleaded not guilty and claimed trial.
11. To bring home the guilt against the respondent, the prosecution examined a total of 7 witnesses. The statement of the respondent/accused was recorded under Section 313 of CrPC wherein he stated that the complainant has filed a false case against him in order to extort money from him. The respondent did not lead any evidence in his defence.
12. The learned MM after consideration, *vide* the impugned judgement, acquitted the respondent under Section 325 of IPC.
13. Aggrieved by the impugned judgement, the State has filed the present appeal.
14. Mr. Singh, learned APP appearing on behalf of the petitioner, challenges the impugned judgement and submits that there are no material contradictions in the statement of the complainant which could shake his



trustworthiness. Reliance is placed on the decision of the Hon'ble Supreme Court in the case of ***Yogesh Singh v. Mahabeer Singh & Ors., 2017 11 SCC 195***, wherein the Hon'ble Apex Court held that minor contradictions, inconsistencies or insignificant embellishments do not affect the core of the prosecution case and it should not be taken to be a ground to reject the prosecution evidence.

15. Learned counsel appearing on behalf of the respondent supports the impugned judgement and submits that it has been rightly held by the learned MM that the prosecution has not been able to prove their case beyond the reasonable doubt against the respondent.
16. I have heard the learned counsel for the parties and perused the material on record.
17. The operative paragraphs of the impugned judgement read as under:-

“18. In examination of chief of the injured, he stated that he gave his statement to police on 31.10.2008 and again said his statement was recorded on 18.11.2008, which creates doubt in mind. There is delay of 19 days in recording of statement of accused. This delay has remained unexplained.

19. The version of the complainant does not inspire the faith of the court, he deposed in examination in chief that on 31.10.2008 at about 2-2.30 pm, he was present at the house of the accused Prashant situated at Prashant Vihar where as in his cross examination he states that on 31.10.2008 at 2.30 pm the police officials reached on his call. He also contradicts his statement and deposed that on 18.11.2008 his statement was recorded whereas there was no complaint of 18.10.2008 registered by him in the PS Pr. Vihar.

20. It is highly difficult to give a finding of guilt against the accused persons after considering the above mentioned inconsistencies in the depositions of the victims. The entire case



of the prosecution is clouded with doubt on account of these inconsistencies, the benefit of which has to be given to the accused persons.”

18. On perusal, the fact that the complainant/victim suffered grievous injuries *prima facie* persuades me to grant the present leave to appeal to hear the present matter on merits.
19. In my opinion, the question that needs consideration is not regarding the inconsistencies in the statements of the witnesses in the present case, but whether the alleged injuries were caused by the respondent or were falsely being attributable to the respondent in view of the earlier loan transaction between the complainant and the respondent. The learned MM in the impugned judgment relied upon minor inconsistencies which do not shake the sub stratum of the present case.
20. The issue needs consideration.
21. For the said reasons, the leave to appeal is granted.
22. The Registry is directed to number the appeal.
- CRL.A. /2025 (TO BE NUMBERED)**
23. For the said reasons, issue notice.
24. Mr. Rustagi, learned counsel accepts notice on behalf of the respondent and will argue the appeal on the next date of hearing.
25. Since the appeal is pending from the year 2018, list the appeal for hearing on 15.05.2025 at 2:15 p.m.

JASMEET SINGH, J

FEBRUARY 19, 2025 / (MS)

[Click here to check corrigendum, if any](#)