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

+ CRL.L.P. 333/2018 & CRL.M.A. 9260/2018

STATE (NCT OF DELHI)

.....Petitioner

Through: Mr. Yudhvir Singh Chauhan, APP
ASI Vikram Singh, PS Karawal
Nagar

versus

ROHTASH

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.01.2025

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1. This is an application seeking leave to appeal to challenge the judgment dated 23.12.2017 passed by the learned ASJ-03 (NE), Karkardooma Courts, Delhi in S.C. No. 10/2017 in F.I.R. No. 65/2016, PS Karawal Nagar, District North East.
2. Mr. Chauhan, learned APP, appearing on behalf of the petitioner, has drawn my attention to the statement of PW-7 dated 01.06.2017, wherein it has been held :

“On 11.02.2016 at about 9 P.M., Rohtash had come at the door of my house to take money from me as I had borrowed some money from him. I met him in front of our house. Accused Rohtash started to abuse me. Immediately my son Rahul came at spot. Accused Rohtash caught hold of my son Rahul. Son of accused Rohtash namely Tannu had also come



with him. He (Tannu) caused injuries on the head of my son Rahul with dav. Accused persons had intentions to kill my son Rahul.”

3. A perusal of the impugned judgment shows that the above statement of PW-7 has not been dealt by the learned Sessions Court.
4. For the said reasons, *prima-facie* there is some merit in the submissions of the learned APP and the matter needs consideration and requires to be heard. Thus, the petitioner is entitled to leave to defend.
5. The respondents were appearing on the earlier dates, but today, neither the counsel for the respondent nor the respondent is appearing today.
6. For the said reasons, the leave to appeal against the judgment dated 23.12.2017 is granted and is disposed of accordingly.

CRL.A **(to be numbered)**

7. The Registry shall number the appeal.
8. For the reasons stated in the appeal, the appeal is “**Admitted.**”
9. To be listed in due course.

JASMEET SINGH, J

JANUARY 27, 2025/sp

Click here to check corrigendum, if any