



\$~3

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

+ **CRL.L.P. 338/2017**

STATE

.....Petitioner

Through: Mr. Yudhvair Singh Chauhan, APP for
State with SI Satish Kumar,
P.S.Mangol Puri.

versus

SANJEEV @ BABLI

.....Respondent

Through: Mr. S.P.Sharma and Mr. Vinu
Balguhar, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.04.2025

%

CRL.M.A. 9250/2017

1. Application under Section 5 of Limitation Act read with Section 482 Cr.P.C has been filed for condonation of delay in filing the present Appeal.
2. It is submitted that the Respondent has been acquitted in FIR No.86/1998 under Section 326/341/506 IPC vide Judgment dated 12.08.2016. Thereafter a detailed procedure was followed for getting the permission to file the Appeal which consumed about 180 days. It is submitted that the delay is unintentional and on account of the procedure. It is, therefore, submitted that delay be condoned.
3. Learned counsel for the Petitioner submits that the Appeal was filed on 09.05.2017.
4. Learned counsel on behalf of the Respondent has filed a



detailed Reply to the Application and has contested the condonation Application. It is submitted that in fact the judgment of acquittal was pronounced on 12.08.2016 and the limitation for filing the Criminal Leave to Appeal was till 31.08.2016. In fact there has been a delay of 347 days and not 180 days as is alleged by the Prosecution. It is further submitted that there is no cogent explanation given for the condonation of delay. The Application is vehemently opposed.

5. Considering the submissions made in the Application and also considering that the delay was not individual but institutional on account of a wrong procedure to get the permission to file the Appeal, the delay is hereby condoned.

6. Application is allowed.

CRL.L.P. 338/2017

1. Leave to Appeal has been filed on the ground that the Respondent was convicted by the learned M.M but the learned ASJ in the impugned judgment has given the benefit of doubt and acquitted the Respondent. It is further submitted that the testimony of the prosecution witnesses was consistent and the same has not been rightly appreciated by the learned ASJ while granting the benefit of doubt to the Respondent.

2. For the reasons stated, Leave to Appeal is allowed.

CRL.A./2025 (to be numbered)

1. Matter be listed for arguments on 19.11.2025.

NEENA BANSAL KRISHNA, J

APRIL 16, 2025/rk