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

+ CRL.L.P. 446/2017

STATE (GNCT OF DELHI)

.....Petitioner

Through: Mr. Utkarsh, APP for the State

versus

PUSHPINDER & ORS

.....Respondents

Through: Mr. Anil Sharma, Mr. Arpit Sharma
and Ms. Kusum, Advocates for R-1 to
7 & 9
Mr. R.S. Malik and Mr. Sahil Malik,
Advocates for R-8

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

30.04.2025

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1. Appeal on behalf of the State (GNCT of Delhi) has been filed under Section 378(1) read with Section 401(5) Cr.P.C. for setting aside the Judgment dated 16.02.2017 in FIR No. 11/2009 under Sections 342/376/395/397/395/412/34 IPC at PS Sector 39, Noida, in which the learned ASJ has acquitted the Respondents No. 1 to 9.
2. Learned Prosecutor submits that the FIR was originally registered in Section 39, Noida but subsequently, the trial was transferred to Delhi vide Order dated 03.02.2012 of the Apex Court in Transfer Petition (Crl.) 532/2010.
3. It is only the State of U.P., if aggrieved, who has the right to file the Appeal and that too in the Court of competent jurisdiction. The State (GNCT

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of Delhi) has no locus to file the present Appeal.

4. The same is hereby dismissed as not maintainable.

NEENA BANSAL KRISHNA, J

APRIL 30, 2025

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