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

+ **CRL.L.P. 81/2018**

THE STATE GOVT OF NCT OF DELHI

.....Petitioner

Through: Mr Yudhvir Singh Chauhan, APP for State
SI Rajesh Kumar, PS-Vijay Vihar

versus

ASHOK

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

03.02.2025

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CRL.M.A. 1956/2018

1. This is an application seeking condonation of 27 days delay in filing the petition.
2. In view of the submissions made by learned counsel and for the reasons stated in the application, the delay of 27 days in filing the petition is condoned.
3. The application is disposed of.

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4. This is a petition seeking leave to appeal against the judgment dated 19.08.2017 passed by learned Additional Sessions Judge (North West District), Rohini Courts, Delhi Sessions Case no. 262/2017 titled '*State vs Ashok*', whereby the respondent was acquitted on the ground that there are material inconsistencies in the statement of PW-2 and PW-3.
5. The inconsistency is whether one currency note of Rs. 500/- or two



currency notes of Rs. 500/- were in the *potli* and whether the respondent had boarded the rickshaw of the petitioner at 05:00 p.m. or 02:30/03:00 p.m. The same according to me are minor contradictions and do not shake the testimony of PW-2. There is no contradiction with regard to the incident having taken place and the petitioner having been drugged and cheated of her valuables.

6. For the said reasons, I am of the view that the matter needs consideration.

7. The respondent was served and was appearing earlier but there is nobody appearing for the respondent today.

8. In this view of the matter, the petition seeking leaving to appeal is allowed and the appeal is directed to be numbered.

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

9. For the reasons stated in the appeal, the appeal is “**Admitted.**”

10. Since the matter is pending for the last 6-7 years, list the appeal for hearing on 08.05.2025.

11. The parties are at liberty to obtain copy of the Trial Court Records from the Registry in accordance with Delhi High Court Rules and Procedures.

JASMEET SINGH, J

FEBRUARY 3, 2025

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Click here to check corrigendum, if any