State of H.P. vs. Shakil Ahmed

CrMP(M) No. 625 of 2026
Reserved on 15.10.2026

28.10.2026 Present: Mr Ajit Sharma, Deputy Advocate General for the petitioner/State.
None for the respondent.

The applicant has filed the present application seeking grant of leave to appeal against the judgment of acquittal dated 24.11.2025 passed by learned Additional Sessions Judge, Fast Track Special Court, Rape/POCSO, Shimla (learned Trial Court).

2. It has been asserted that the judgment of acquittal passed by the learned Trial Court is against facts and the law. The learned Trial Court has based the finding merely on surmises, conjectures and hypotheses and has arrived at an incorrect conclusion without proper appreciation of the evidence. Hence, it has been prayed that leave to appeal be granted.

3. The application is opposed by filing a reply asserting that the applicant has no arguable case and there is no possibility of the appeal being allowed. The learned Trial Court had rightly appreciated the evidence. The statements of prosecution witnesses materially contradicted each other, and there is no infirmity in the

judgment passed by the learned Trial Court. Hence, it was prayed that the present application be dismissed.

4. Heard.

5. The judgment of the learned Trial Court shows that the accused was acquitted because of the delay of 2 days in reporting the matter to the police. *Prima facie,* the acquittal could not have been recorded merely on the ground of delay. The charge sheet was filed by the police for the commission of offences punishable under Sections 354, 354A and 506 of the Indian Penal Code (IPC) and Section 8 of the Protection of Children from Sexual Offences Act (POCSO Act). It was held by this Court in ***Rajesh Kumar versus State of HP, Cr. Revision No. 344 of 2014 decided on 13.10.2026*** that delay in the sexual offences is not sufficient to record the acquittal. Hence, the appellant/ applicant has made out a *prima facie* case in its favour justifying the grant of leave. Consequently, the present application is allowed and the leave to appeal is granted.

6. The present application stands disposed of.

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7. The leave to appeal has been granted as per the order passed in Cr.MP(M) No. 625 of 2026. It be registered.

8. Copy of the appeal be supplied to the respondent.

9. The respondent is directed to furnish personal and surety bonds in the sum of ₹50,000/- to the satisfaction of the learned Trial Court within four weeks, undertaking therein to appear before this Court as and when called upon to do so and surrender in case of acceptance of the appeal.

10. The bail bonds so furnished be transmitted to this Court for record.

(Rakesh Kainthla)
Judge

28th October, 2026
(Nikita)