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

+ **CRL.L.P. 352/2023**

STATE

.....Petitioner

Through: Mr.Aman Usman, APP with
Mr.Manvender Yadav &
Mr.Atiq Ur Rehman, Advs. and
Insp. Rajesh Malik & SI Satish
Kumar, PS S.B. Dairy.

versus

JOGINDER SINGH & ORS.

.....Respondents

Through: Mr.Inderpal Khokhar, Adv.
(through VC)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **28.01.2026**

CRL.M.A. 18834/2023

1. The present application has been filed under Section 5 of the Limitation Act, 1963, read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.'), seeking condonation of delay of 258 days in filing the application for leave to appeal.

2. The grounds urged for seeking condonation of delay are that the Impugned Order was passed on 21.05.2022, and the certified copy thereof was applied for on 23.05.2022, which was received by the petitioner on 05.07.2022. The petitioner could not file the present appeal within the stipulated period as the necessary approval was required for filing the same.



3. The learned counsel for the respondents has objected to the application, contending that no cogent reasons have been shown for condoning the delay. He further submits that the complainant has also not chosen to challenge the Impugned Order.

4. We have considered the submissions made by the learned counsel for the parties.

5. In our view, the appellant has been able to make out a sufficient cause for condoning the delay in filing the Criminal Leave Petition.

6. Accordingly, the delay is condoned.

7. The application stands disposed of.

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8. The present application has been filed under Section 378 of the Cr.P.C. seeking leave to appeal against the Impugned Order dated 21.05.2022, passed by the learned Additional Sessions Judge-04 (North), Rohini Courts, Delhi (hereinafter referred to as the 'Trial Court'), in Sessions Case No. 58329/2016, titled ***State v. Joginder Singh and Ors.*** arising out of FIR No. 136/2009 dated 06.06.2009, registered at Police Station Shahbad Dairy, whereby the learned Trial Court acquitted the respondents of the charges under Sections 498A/302/323/341/506/34 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC').

9. The learned APP, appearing for the State, submits that the Impugned Order is perverse and suffers from grave misappreciation of evidence, inasmuch as the learned Trial Court failed to appreciate the complete chain of circumstantial evidence established by the prosecution.



10. He submits that the learned Trial Court erred in holding that the prosecution failed to prove that the accused persons administered organophosphorous poison to the deceased. PW-3, PW-10, and PW-13 categorically deposed that Anita (since deceased) was found unconscious in a room bolted from the outside. Thereafter, she was taken to PGIMS, Rohtak, in an unconscious condition, and as per the post-mortem report, the cause of death was organophosphorous poisoning. He submits that the learned Trial Court has based the acquittal of the respondents on assumptions not borne from the records.

11. On the other hand, the learned counsel for the accused persons has submitted that the evidence on record establishes that the deceased was suffering from a prolonged kidney ailment, for which she was undergoing regular treatment.

12. He further submits that the learned Trial Court has rightly appreciated the evidence and held that the prosecution has failed to prove its case beyond reasonable doubt. It is urged that the Impugned Order suffers from no infirmity and that the present application deserves to be dismissed.

13. We have considered the submissions made by the learned counsels for the parties and the material placed on record.

14. At this stage, we are only required to consider whether the prosecution has been able to make out a good case for the grant of leave to appeal or not. At this juncture, the Court is not required to meticulously re-evaluate the entire evidence

15. The prosecution's case is based on the statement of PW-5, the



father of the deceased, and the medical reports. Although the learned counsel for the respondents has submitted that there are contradictions in the statements, on the basis of which the learned Trial Court has rightly given the benefit of doubt to the respondents, we are of the opinion that the present appeal requires a closer examination of the evidence. Accordingly, leave to appeal is granted, and the application is allowed.

CRL.A. (to be numbered)

16. Let the appeal be numbered as Criminal Appeal (CRL.A.) by the Registry.
17. Admit.
18. List the appeal in the category of 'Regular Matters' for hearing in due course.
19. The respondents shall submit a personal bond along with one surety in the sum of Rs.10,000/- each, to the satisfaction of the learned Joint Registrar (Judicial), within a period of four weeks from today.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JANUARY 28, 2026/rv/DG