CA No. 574/2025
Mahesh Kumar Vs State NCT of Delhi & Anr

Fresh appeal petition received by way of assignment. It be checked and registered.

10.11.2025
Present:- Sh. Pradeep Kumar, learned counsel for appellant.

1) At the outset, learned counsel for the appellant submits that as a matter of abundant caution, an application under section 5 of Limitation Act, 1963 seeking condonation of delay in filing of the appeal was filed alongwith the appeal.

2) The learned counsel further submited that with the impugned judgment pronounced by the Trial Court on 04.08.2025, the prescribed period of 90 days in filing appeal against judgment of acquittal would lapse on 03.11.2025.

3) The learned counsel further added that the appellant applied for certified copy on 04.10.2025, which was prepared on 01.11.2025 and the same was provided by Copying Agency on 04.11.2025. By setting off the period spent in preparation of the certified copy and with the date of filing of the present appeal being 06.11.2025, the total number of days from the date of pronouncement of impugned judgment until 06.11.2025 is 60 days and hence, the appeal is well within the prescribed period of 90 days.

4) Heard.

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5) Memorandum of appeal perused. Certified copy of the impugned judgment alongwith stamp under section 76 of Indian Evidence Act, 1872 also examined.

6) The Court is in complete concurrence with the submissions advanced by learned counsel for appellant. The appeal is found to be well within the prescribed period. Accordingly, **the application under section 5 of Limitation Act, 1963 is dismissed as not pressed.**

7) Issue notice of the appeal to the respondent on filing of PF/RC/Speed post, authorized courier and also be given *dasti* returnable for next date of hearing i.e., **18.12.2025**.

8) TCR be requisitioned for next date of hearing.

Hargurvarinder Singh jaggi

Digitally signed by Hargurvarinder Singh jaggi
Date: 2025.11.10 14:45:08 +0530

(Hargurvarinder Singh Jaggi)
ASJ(FTC)–01,South District,
Saket, New Delhi/10.11.2025

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