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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.L.P. 20/2021 & CRL.M.A. 1989/2021

STATE

.....Petitioner

Through: Mr. Mukesh Kumar APP (M: 9313007949).

versus

RAKESH @NANHA & ORS.

.....Respondents

Through: Mr. Fuzal Ahmad Ayyubi, Mr. Ibad Mustaq, Ms. Akansha Rai, Mr. Hamad Tariq & Ms. Gurneet Kaur, Advocates for R-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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09.07.2024

1. This hearing has been done through hybrid mode.

CRL.M.A. 1989/2021 (for delay)

2. This is an application filed by the State under Section 5 of the Limitation Act read with 482 of the Cr.P.C. seeking condonation of delay in filing of the present appeal. The appeal challenges the impugned judgement dated 25th November, 2019 passed by Id. ASJ-02, Patiala House Courts in **FIR No. 121/2013** under sections 302/201/212/482/120B/420/468/471/34 IPC and under sections 25/27/54/59 of the Arms Act, registered at PS Vasant Kunj (South). Vide the said judgement the Respondents were acquitted.

3. The State has filed its Leave Petition on 8th February, 2021. in view of the decisions in ***In Re: Cognizance for Extension of Limitation [Suo Moto Writ Petition (C) No. 3 of 2020, Order dated 10th January, 2022]*** and ***Arif***



Azim Co. Ltd. v. Aptech Ltd., (2024 SCC OnLine SC 215), the period between 15th March, 2020 to 28th February, 2022 would be liable to be excluded. Considering that most of the period during which the appeal was not filed, was excluded due to the Covid-19 pandemic the Court is inclined to condone the delay in filing of the appeal.

4. The delay is accordingly condoned.

5. Application is disposed of.

CRL.L.P. 20/2021

6. List this petition for consideration of grant of leave to appeal on 10th September, 2024.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 9, 2024

mr/ks/PC