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

+ **CRL.A. 277/2023 & CRL.M.(BAIL) 446/2023**

ROHIT

..... Appellant

Through: Mr. Dinesh Malik, Advocate
(DHCLSC) with Mr. Puneet Jain,
Advocate.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Aman Usman, APP for the State
with S.I. Kaplianthang, P.S.
Janakpuri, Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **28.03.2023**

CRL.M.A. 8289/2023 Exemption

1. Exemption allowed, subject to just exceptions.
2. The application is disposed of accordingly.

CRL.M.A. 8290/2023 (Condonation of delay)

3. The present application under Section 7 of the Limitation Act, read with Section 482 of the Cr.P.C. seeks condonation of delay of 81 days in filing of the instant appeal.
4. Issue notice.
5. Learned APP for the State accepts notice, and fairly does not oppose this application.
6. In view of the averments made in the application and in the interest of justice, the delay of 81 days is condoned.



7. The application is allowed and disposed of accordingly.

CRL.A. 277/2023

8. The present appeal under Section 374(2) read with Section 383 of the Cr.P.C. against the judgment and order on sentence dated 20.08.2022 and 09.09.2022, respectively passed by Sh. Shailender Malik, learned ASJ (POCSO)-06, West, Tis Hazari Courts, New Delhi in SC No. 199, in FIR No. 954/2015 under Sections 328/342/363/376D/506 of the IPC and Section 6 of the POCSO Act, registered at P.S. Janak Puri.

9. The appellant has been convicted for offences under Section 366/328/506 of the IPC and Section 6 of the POCSO Act, 2012. The appellant has been sentenced to undergo 20 years of rigorous imprisonment for offence under Section 6 of POCSO Act alongwith fine of Rs. 20,000/-; rigorous imprisonment for 5 years alongwith fine of Rs. 2000/- and in default of payment of fine, simple imprisonment for six months for offence under Section 366 of the IPC, rigorous imprisonment for 3 years alongwith fine of Rs. 1,000/- and in default of payment of fine, simple imprisonment for six months for offence under Section 328 of the IPC, rigorous imprisonment for one year for offence under Section 506 of the IPC.

10. Admit.

11. The Registry is directed to requisition the trial Court record, for perusal of this Court, on the next date of hearing.

12. List on 19.05.2023.

CRL.M.(BAIL) 446/2023 (Suspension of sentence)

13. The present application under Section 389 Cr.P.C. read with Section 482 seeks suspension of sentence and release of the appellant on bail during pendency of the instant appeal.



14. Issue notice.
15. Learned APP for the State accepts notice and seeks time to file status report. Let the same be filed before the next date of hearing.
16. List on 19.05.2023.

AMIT SHARMA, J

MARCH 28, 2023/ab