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

+ **CRL.L.P. 350/2022, CRL.M.As. 14162/2022 & 14163/2022**

STATE OF NCT OF DELHI

..... Petitioner

Through: **Ms.Manjeet Arya, APP for State**

versus

SUNIL SINGH

..... Respondent

Through: **None**

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **25.07.2022**

Crl.M.A.14162/2022 (Exemption)

1. Allowed subject to just exceptions.
2. The application is disposed of.

CRL.L.P. 350/2022, CRL.M.A. 14163/2022 (delay)

1. This petition has been filed seeking leave to appeal against the judgment dated 19th December, 2019 passed by the learned Special Judge (POCSO), Shahdara District, Karkardooma Courts, Delhi acquitting the respondent for the offence under Section 354 IPC read with Section 10 of the POCSO Act in FIR No.332/2016 registered at Police Station Vivek Vihar, Delhi.
2. It is submitted by Ms. Manjeet Arya, learned APP for the State that the learned Sessions Court has laid undue emphasis on the two days' delay in the filing of the FIR, which had been properly explained by the fact that

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the mother of the child was looking out for the person who had assaulted her child. Furthermore, it is submitted that the child and the mother had supported the case of the prosecution and there was no reason for the learned Trial Court to come to a conclusion that the accused had merely assisted the child in crossing a path.

3. Notice of this petition and the application be issued to the respondent by all permissible modes, returnable for the next date of hearing.
4. List on 28th November, 2022.
5. In the meantime, Trial Court Record be requisitioned in digital form.
6. The order be uploaded on the website forthwith.

ASHA MENON, J

JULY 25, 2022

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