



2023-0416-9830-DB

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 1149/2019

STATE

..... Appellant

Represented by: Ms. Shubhi Gupta, APP for State
with SI Amit Dahiya, PS Prashant
Vihar.

versus

PARVESH RANA & ANR.

..... Respondent

Represented by: Mr. Neeraj Rana, Adv. for R-1
with R-1 in person.
Mr. Ankur Sharma, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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25.11.2022

1. Learned counsel for the respondents in CRL.L.P. 544/2019 points out that the role at best assigned to the respondents is with the aid of Section 34 IPC, however the main accused Parvesh Rana and Ashish Sherawat @ Ravinder were convicted only for offence under Section 376 IPC simplicitor and were acquitted for the charge of gang rape as also for kidnapping. There is no allegation that the two respondents Amit Kumar and Gulshan committed rape on the prosecutrix and for the charge of gang rape Parvesh Rana and Ashish Sherawat have been acquitted, and without any leave to appeal petition from the State, conviction on the said charge cannot be foisted on the two respondents.
2. Learned APP for the State after going through the issues arising in the present leave petition seek some time to take necessary instructions.



3. At request, renotify on 22nd February, 2023 when the respondents will be present in Court.
4. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

ANISH DAYAL, J.

NOVEMBER 25, 2022
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