



\$~71

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

+ CRL.REV.P. 1070/2023
ABHILASH SHARMA

..... Petitioner

Through: Mr. Manu Sharma, Mr.
Kunal Sharma, Mr.
Abhyuday Sharma & Mr.
Yash Punjabi, Advs.

versus

STATE (NCT OF DELHI) & ANR. Respondent

Through: Mr. Pradeep Gahalot, APP
for the State with Mr.
Deepak Kumar, Adv.
SI Rachna, PS- Civil Lines

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **16.04.2024**

CRL.M.A. 27689/2023 (for condonation of delay)

1. For the reasons mentioned in the application, the same is allowed and the delay in filing the present petition is condoned.

CRL.REV.P. 1070/2023 & CRL.M.A. 11125/2024 (for stay)

2. The learned counsel for the petitioner has taken the Court through the material which is, admittedly, part of the chargesheet.

3. He relied upon the various WhatsApp chats, which, he submits, is admittedly, recovered from the mobile phone of the prosecutrix.

4. He submits that the learned Trial Court erroneously observed that the WhatsApp chats/ messages are easily amenable to tampering, being electronic evidence. He submits that the said evidence was not produced or relied upon by the petitioner



but was submitted by the Investigating Officer pursuant to the investigation. He submits that, in such circumstances, the said evidence could not have been ignored as has been done by the learned Trial Court. He submits that it is no one's case that the said evidence has been tampered in any manner.

5. He further submits that the trial has since proceeded and the prosecutrix is to be examined and he has apprehension that the prosecutrix may try to improve her case further after filing of the present petition.

6. He submits that the present is a case of consensual sexual intercourse over a period of two years and the allegations on the face of it does not seem probable where the prosecutrix has alleged that the first incident of forceful intercourse took place in a public park.

7. On the last date of hearing, that is, 10.04.2024, an e-mail was received from Vimal Kumar Pandey, learned counsel who represents the prosecutrix in the present case, seeking adjournment. At his request, the matter was listed today.

8. Today, none appears for the prosecutrix.

9. List on 24.07.2024.

10. The learned Trial Court is directed not to proceed further with the matter till the next date of hearing.

AMIT MAHAJAN, J

APRIL 16, 2024
"SS"