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

+ **CRL.A. 723/2024**

RADHEY SHYAM

.....Appellant

Through: Ms. Fozia Rahman, DHCLSC along
with Mr. Sikander A. Siddiqui, Ms.
Mona Tomar, Ms. Aafreen & Ms.
Seema Thapliyal Advocates (M:
9810989707)

versus

STATE OF NCT OF DELHI AND ANOTHERSRespondents

Through: Mr. Mukesh Kumar, APP for the State.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **13.08.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A. 23998/2024

2. The present application has been under Section 5 of the Limitation Act seeking condonation of delay of 72 days in filing of the present appeal.

3. Considering the fact that the present Appellant is in custody, in the interest of justice, delay of 72 days in filing the present appeal is condoned.

4. The application is disposed of.

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5. The present appeal under Section 374(2) read with Section 482 Cr.P.C. is filed challenging the judgment of conviction and order on sentence dated 31st October 2023 and 15th January, 2024, respectively, passed by learned ASJ (POCSO Court), North District, Rohini Courts, Delhi, in SC No. 782/2012,



arising out of FIR No. 333/18, under Sections 328/376(2)(e)/376(3) of the IPC and Section 6 of the POCSO Act, registered at P.S. K.N. Katju Marg.

6. *Vide* the aforesaid judgment of conviction and order on sentence, the Appellant has been convicted of the offence under Section 6 of the POCSO Act and has been sentenced to undergo imprisonment for life, which shall mean imprisonment for the remainder of his natural life along with a fine of Rs. 5,000/- and in default of payment of fine, further simple imprisonment for one month.

7. Admit.

8. The Registry is directed to requisition the Trial Court Record with proper index, pagination and bookmarks for perusal of this Court by the next date of hearing. Let the paperbook for the same be also prepared. Let the TCR be tagged along with the present appeal.

9. Learned Counsel for the parties may obtain the electronic record of the Court, including the TCR and the paper book, upon request from the Registry.

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

11. Issue notice.

12. Learned APP for the State accepts notice and seeks time to file a status report. Let the same be filed before the next date of hearing.

13. Notice be issued to the survivor, i.e., Respondent no. 2, to be served through the SHO concerned, returnable on 7th October, 2024.

14. In the meantime, the latest nominal roll be requisitioned from the concerned Jail Superintendent.



15. Copy of the order be sent to the concerned Jail Superintendent, for necessary information and compliance.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 13, 2024/bsr/Pc