



\$~25

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

+ CRL.A. 811/2024
RAM SWAROOP

.....Appellant

Through: Mr. Dhruva Bhagat, Ms. Ashna
Bhagat, Ms. Somya Bhagat, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for State and
Insp. Amit Dutt and SI Sheetal, PS K.
M. Pur.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

30.08.2024

%

CRL.A. 811/2024

1. The present appeal has been filed under Section 374(2) r/w Section 482 Cr.P.C. against the judgment of conviction dated 15.12.2023 passed by Ld. ASJ(FTSC) (POCSO), South-East District, Saket Courts, Delhi and order on sentence dated 23.04.2024 passed by Ld. ASJ(FTSC) (POCSO), South-East District, Saket Courts, Delhi in SC No. 2729/2016, FIR No. 544/2016 under Section 376(n) IPC and Section 6 POCSO Act registered at PS Kotla Mubarakpur.
2. Learned counsel for the appellant submits that the Ld. Trial Court did not appreciate the fact that the victim was a tutored witness and there was certain inconsistency and contradictions. It has been submitted that the testimony of prosecutrix was also bereft of the material particular



date/time of the alleged incident. It has further been submitted that PW-2 was an interested witness being the grandmother of the victim. It has also been submitted that there were improvements in the testimony of PW-2.

3. Issue notice. Learned APP for the State has accepted the notice.
4. In view of the submissions made, the appeal is admitted. List the matter in the category of regular matters in due course.

CRL.M.A. 25948/2024

5. Exemption allowed, subject to all just exceptions.
6. Application stands disposed of.

CRL.M.A. 25949/2024

7. The present application has been filed under Section 5 of the Limitation Act r/w Section 528 BNSS for condonation of delay in filing the appeal.
8. Learned counsel submits that the present appeal has been filed through Delhi High Court Legal Services Committee. Learned counsel further submits that the delay of 64 days took place as the appellant is a poor person and was in custody.
9. Issue notice. Learned APP for State has accepted the notice.
10. In view of the grounds explained, the delay of 64 days in filing the appeal is condoned. The application stands disposed of.

CRL.M.(BAIL) 1454/2024

11. The present application has been filed under Section 389 Cr.P.C. r/w Section 482 Cr.P.C. seeking suspension of sentence and release of the appellant on bail during the pendency of the instant appeal before this court.



12. Learned counsel submits that the appellant has been sentenced vide order on sentence dated 23.04.2024 for 40 years of RI and a fine of Rs. 25,000/- for the offence punishable under Section 6 r/w Section 17 of POCSO Act and in default of payment of fine the convict shall under SI for 30 day.
13. Issue notice. Learned APP for the State has accepted the notice and seeks time to file the status report.
14. Let status report be filed.
15. Updated Nominal Roll be also called from the concerned Jail Superintendent.
16. Issue notice to the prosecutrix through guardian through all permissible modes, returnable on 18.10.2024.

DINESH KUMAR SHARMA, J

AUGUST 30, 2024/AR/DG..