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

+ **CRL.A. 899/2024 CRL.M.(BAIL) 1598/2024**

SUSHIL KUMAR JHA

.....Appellant

Through: Mr Rajesh Mishra (DHCLSC) with
Ms Meenal Duggal & Mr Suyash
Sinha Ms. Anita R Mishra Advs

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Vinod Kumar, PS: Sangam
Vihar.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

06.12.2024

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1. Complainant/prosecutrix is present in Court today pursuant to the notice issued.
2. Counsel for appellant has filed a note of arguments which is already on record. Essentially, it is submitted that the conviction is on the basis of sole testimony of the prosecutrix. However, there was no other evidence on record neither CCTV, nor TIP proceedings, nor independent witness and the FSL itself did not find any traces of DNA. Aside from this, recovery of the nose pin and the gold earrings from the appellant are doubtful considering the testimony of PW-2 (constable Ankur Malik). Further, it is contended, no traces of DNA could be detected from the victim's clothes despite the fact that she has stated that she has not taken a bath after the incident and no external



injuries were found despite the statement of the prosecutrix, that there was a scuffle.

3. Since the complainant is not in a condition to engage a private lawyer, he/she has seeks legal assistance and accordingly, Delhi High Court Legal Service Committee shall provide legal aid counsel to the respondent to represent her in the proceedings henceforth.

4. Copy of this order be sent to the Secretary, DHCLSC for necessary compliance.

5. List on 28th January, 2025.

6. Order be uploaded on the website of this Court

ANISH DAYAL, J

DECEMBER 6, 2024/RK

Click here to check corrigendum, if any