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

+ **CRL.A. 1111/2024**

ABDUL WAHID

.....Appellant

Through: Ms. Anchal Verma, Adv. (VC).

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
and Insp. Rajesh Vijay, W/SI
Priyanka, PS Bharat Nagar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

28.11.2024

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CRL.M.A. 35676/2024

1. Exemption allowed, subject to all just exceptions. Applications stands disposed of.

CRL.A. 1111/2024

2. The present appeal has been filed under Section 415 BNSS seeking quashing and setting aside the conviction judgment dated 06.09.2024 and sentencing order dated 14.10.2024 passed by Ld. ASJ-01 (POCSO) North West, Rohini, Delhi in Session Case No. 54/19 in case FIR No. 483/2018 registered at PS Bharat Nagar, Delhi whereby the appellant has been convicted and awarded Rigorous Imprisonment of 12 years with fine of Rs. 25,000/-; in default of payment of fine further 06 months Simple Imprisonment.
3. The learned counsel submits that the Ld. Metropolitan Magistrate failed to adhere to the procedure prescribed for recording statements under



Section 164 Cr.P.C., particularly in ascertaining the voluntary nature of the statement. It is further argued that the Ld. Trial Court did not correctly appreciate the evidence, basing the conviction on unreliable and inconsistent evidence. Additionally, it is submitted that the medical evidence on record is inconsistent with the ocular testimony.

4. Issue notice. Learned APP for the State accepts the notice and seeks time to file a reply.
5. Let the reply be filed before the next date of hearing.
6. Issue notice to the prosecutrix through IO.
7. Let TCR be also called in the digital format.
8. List on 23.01.2025.

CRL.M.(BAIL) 1994/2024

9. The present application has been filed under Section 430 BNSS for suspending the operation of the conviction judgment dated 06.09.2024 and sentencing order dated 14.10.2024 and release the appellant on bail.
10. Issue notice. Learned APP for the State has accepted the notice and seeks time to file the reply.
11. Let the reply be filed before the next date of hearing.
12. Updated nominal roll be also called from the concerned Jail Superintendent.
13. Issue notice to the prosecutrix through IO, returnable on 23.01.2025.

DINESH KUMAR SHARMA, J

NOVEMBER 28, 2024/AR/NA..