

The State (Nct Of Delhi) vs Manish Kumar Sharma on 30 January, 2019

Author: Hima Kohli

Bench: Hima Kohli, Manoj Kumar Ohri

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.L.P. 299/2018

THE STATE (NCT OF DELHI)

Through

..... Petitioner

Ms. Aashaa Tiwari, APP

Insp. Raj Kumar Saha, SHO and

ASI Suresh Kumar, PS New

Usmanpur

versus

MANISH KUMAR SHARMA

Through

..... Respondent

Mr. Vikas Bhadauria, Advocate

(Mob:9312124521)

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% 30.01.2019

1. Reply to the leave petition has been filed by the learned counsel for the respondent.

2. Learned APP submits that while passing the impugned judgment dated 22.01.2018, acquitting the respondent for the offence under Section 376(2) (i) IPC and Section 6 of the POCSO Act, the trial court has overlooked the fact that the prosecutrix, who was 7 years of age at the time of the incident, was consistent about what had transpired on 30.01.2014; not only that, the prosecutrix had correctly identified the respondent as a neighbour. She states that there was no reason for the trial court to disbelieve the prosecutrix's version as her statement recorded under Section 164 Cr.P.C., was identical on material aspects to what she had deposed before the trial court.

3. Having perused the deposition of the prosecutrix and her statement under Section 164 Cr.P.C. from the trial court record, we are of the opinion CRL.L.P. 299/2018 P-1/2 that it is a fit case where leave ought to be granted to the State to challenge the impugned judgment. Ordered accordingly.

4. Leave petition is allowed.

CRL.A. No..... /2019 (to be numbered)

1. The Registry is directed to register the present matter as a criminal appeal and assign it a number accordingly.

2. A complete set of the paper book shall be furnished to learned counsel for the parties.
3. Admit.
4. Trial court record has been added.
5. List in the category of 'Regular Matters' at its own turn.
6. The compilation of the trial court record once prepared by the Registry, shall be supplied to the learned counsel for the parties.
7. The respondent shall furnish a personal bond and a surety bond in the sum of Rs.25,000/- subject to the satisfaction of the Joint Registrar (Judicial) of this Court. For the said purpose, list before the Joint Registrar (Judicial) on 08.02.2019.
8. The respondent shall inform the local police in the event of any change of his residential address. He shall also furnish his mobile number to the local police which shall remain active at all times.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 30, 2019/sm
CRL.L.P. 299/2018

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