



\$~19

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

+ **CRL.A. 35/2023**

M

..... Appellant

Through: Mr.Arundhati Katju, Advocate
(DHCLSC), Ms.Shristi Borthakur and
Ms.Ritika Meena, Advocates.

versus

STATE (NCT) OF DELHI & ANR.

..... Respondents

Through: Mr.Ritesh Kumar Bahri, APP for
State.
SI Chandan Rajput, PS Vasant Kunj
(North).
Mr.Arvind Kumar Gupta, Mr.Rishi
Bharadwaj and Mr.A. Gupta,
Advocates for respondent no.2.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER
14.12.2023

%

CRL.M.A. 770/2023 (delay 138 days in filing)

1. The present application has been filed seeking condonation of delay in filing the captioned appeal.
2. As per the application, the period for filing the appeal was 90 days from the date of judgment. It is further stated that appellant hails from a poor segment of society and hence, she was not aware of her legal remedies. It is further stated that the appellant never engaged a private counsel during trial.
3. Counsel appearing for the respondent submits that the prescribed



period for filing the appeal is 60 days and not 90 days. Further, it has incorrectly been stated in the application that the applicant was not represented by a private counsel.

4. Counsel appearing for the applicant candidly admits that this was an inadvertent mistake in the application and duly apologises for the same, which is accepted.

5. Having heard the counsels for the parties, in the facts and circumstances of the case, this Court is of the view that the delay ought to be condoned in the present case.

6. Accordingly, the present application is allowed and the delay in filing the appeal is condoned.

CRL.A. 35/2023

7. The present appeal has been filed seeking setting aside of the judgment dated 23rd May, 2022 passed by the Additional Sessions Judge, Patiala House Courts, New Delhi, wherein the respondent no.2 has been acquitted of the offences under Sections 376(2)(n)/506/323 of the Indian Penal Code, 1860.

8. Notice has already been issued *vide* order dated 12th January, 2023.

9. Reply be filed on behalf of the respondent no.2.

10. Trial Court Record be requisitioned in a digitized format and the same shall be made available to counsels for the parties in a pen drive.

11. List on 10th April, 2024.

AMIT BANSAL, J.

DECEMBER 14, 2023

rt