

(2022) 08 J&K CK 0017

In the Jammu And Kashmir High Court

Case No : Criminal Special Leave Application (D) No. 17 Of 2022, Criminal Miscellaneous Cases No. 1300 Of 2022

UT Of J&K

APPELLANT

Vs

Prince Kumar And Others

RESPONDENT

Date of Decision : 16-08-2022

Acts Referred:

Citation : (2022) 08 J&K CK 0017

Hon'ble Judges : Rajnesh Oswal, J;Rajesh Sekhri, J

Bench : Division Bench

Advocate : Suneel Malhotra

Final Decision : Dismissed

Judgement

CrIM No. 1300/2022

This is an application filed by the applicant seeking condonation of delay in filing the acquittal appeal against the judgment dated 30.03.2022 passed by learned Principal Sessions Judge, Bhaderwah.

Para No. 3 of the application has been un-necessarily drafted.

For the reasons stated in the application except Para No. 3, we find that there is sufficient cause in condoning the delay. Accordingly, the delay in filing the acquittal appeal is condoned.

Application is, accordingly, disposed of.

CrI LP(D) No. 17/2022

This is an application filed by the applicant seeking leave to file the acquittal appeal against the judgment dated 30.03.2022 passed by learned Principal Sessions Judge, Bhaderwah.

We have gone through the judgment passed by the trial court. Though, the

charges against the respondents were serious but the fact remains that the prosecutrix has not supported the prosecution case. More so, the father of the prosecutrix namely Mohd. Ayub too has not deposed anything incriminating against the respondents. Likewise, the statements of other witnesses i.e. PW-Mst. Shabina Begum, PW-Mst. Anju Devi, PW-Ishad Ahmed and PW-Fareed Ahmed also do not disclose any incriminating evidence against the respondents for which the leave may be granted to the applicant for filing the appeal.

Viewed thus, there is no merit in the present application as virtually there is no evidence that requires appreciation by this Court, as such, the present application is dismissed.