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

\+ CRL.A. 1410/2019

DEEPAK ..... Appellant

Through Mr. S.K. Sethi and Mr. D. Sharma, Advocates.

versus

STATE ..... Respondent

Through Mr. Ashish Dutta, APP with SI Sumedha, PS Ashok Vihar.

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE A.K. CHAWLA

O R D E R

% 11.12.2019

Crl. M.A. No.42420/2019 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

Crl. M.A. No.42419/2019 (Delay)

The present application under Section 5 of the Limitation Act, 1963, filed on behalf of the applicant/appellant, seeks condonation of delay of 22 days in filing the accompanying appeal.

Issue notice.

Mr. Ashish Dutta, learned Additional Public Prosecutor accepts notice on behalf of the non-applicant/State and fairly does not oppose the application.

In view of the circumstance that the applicant/appellant is incarcerated and for the reasons stated in the application, which are duly supported by an affidavit, the application is allowed. The delay of 22 days in filing the accompanying appeal is condoned.

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The application is disposed of accordingly.

CRL.A. 1410/2019

Issue notice.

Mr. Ashish Dutta, learned APP accepts notice on behalf of the non-applicant/State.

Admit.

Trial court record be requisitioned.

The Registry is directed to prepare the appeal paper book forthwith and provide copies thereof to learned counsel appearing on behalf of the parties.

List the appeal in due course at its turn.

Crl. M.(Bail) No.2155/2019 (for regular suspension)

Having heard learned counsel appearing on behalf of the parties and in view of the testimony of the minor victim of the sexual assault, read in conjunction with the medical evidence/DNA evidence on record, we are of the view that, no good ground for regular suspension of sentence and release on bail during the pendency of the appeal, is made out, at this stage.

The present application is dismissed and disposed of accordingly.

SIDDHARTH MRIDUL, J

A.K. CHAWLA, J

DECEMBER 11, 2019
as

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