



2026:DHC:7377



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

%

Judgment Reserved on: 31.08.2026

Judgment pronounced on: 02.09.2026

CNR No. DLHC011079182025

+ **CRL.L.P. 2/2026**

SECURITIES AND EXCHANGE BOARD OF INDIA.....Petitioner

Through: Mr. Ashish Aggarwal, Mr. Anand Aggarwal, Mr. Himanshu Singh, Ms. Ishita and Mr. Chirag Goyal, Advocates.

versus

DEVENDRA SINGH CHANDELRespondent

Through: Mr. Priyanshu Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. This leave petition under Section 419 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (the BNSS) has been filed on behalf of the Securities and Exchange Board of India (SEBI) seeking leave to appeal against the judgment dated 13.05.2025 in Registration No. CC/734/2023 on the file of the

CRL.L.P. 2/2026

Page 1 of 9



2026:DHC:7377



ASJ-03, Special Judge (Companies Act), Dwarka Courts, New Delhi, by which the respondent/ accused no.2 has been acquitted of the various offences charged against him.

2. The petition is opposed by the learned counsel for the respondent on the ground that, in view of the acquittal of the respondent/accused, the principle of double presumption of innocence operates in his favour. It was, therefore, contended that leave to appeal ought not to be granted as a matter of course or merely upon a *prima facie* consideration, but only after the Court has considered the merits of the case.

2.1. It is further contended that the leave petition has not been filed within the statutorily prescribed period of six months as contemplated under sub-section (5) of Section 419 of the BNSS and that the delay has not been explained by the petitioner as the onus lies on the petitioner to furnish a satisfactory explanation justifying the delay in filing the petition.



2026:DHC:7377



3. *Per Contra*, the learned counsel for the petitioner contended that the leave petition has been filed within the statutorily prescribed period of limitation after excluding the time taken by the Registry in preparing and supplying the certified copy. The attention of this court was drawn to the court record to canvass the point that the application for the certified copy was made on 30.10.2025, while the certified copy was prepared and delivered on 23.12.2025/24.12.2025. Thus, the time elapsed in obtaining the certified copy was around 54 days. It was submitted that after taking into account the said 54 days also, the last date for filing the petition was on 06.01.2026, whereas the petition had in fact been filed on 30.12.2025. Accordingly, the petition was filed within the prescribed period and, therefore, no application seeking condonation of delay was required.

4. Heard both sides and perused the records.

5. While addressing the contention raised by the learned counsel for the respondent as to whether this Court ought to



2026:DHC:7377



undertake an extensive evaluation of the merits of the case at the stage of considering the application for leave to appeal, it would be apposite to refer to the dictum of the Apex Court in **Manoj Rameshlal Chhabriya v. Mahesh Prakash Ahuja, 2025 KHC, 6204; 2025 SCC OnLine SC 451**. In the said case, the original first informant, namely, the brother of the deceased, sought to challenge the order passed by the High Court of Bombay, in an appeal filed by the State against the judgment and order of acquittal, declining to grant leave under sub-section (3) of Section 378 Cr.P.C. The trial court acquitted the first respondent therein of the charge of murder. The State preferred an appeal against the judgment of acquittal before the High Court. The High Court briefly discussed the evidence on record and concluded that there was no infirmity or perversity in the judgment of acquittal by the trial court and hence, the application for leave filed by the State was dismissed. In appeal, the Hon'ble Supreme Court disagreed with the view of the High Court. Referring to the dictum in the



2026:DHC:7377



State of Maharashtra v. Sujay Mangesh Poyarelar, (2008) 9 SCC 475, it was held that in deciding the question whether requisite leave should or should not be granted, the High Court has to apply its mind, consider whether a *prima facie* case has been made out or arguable points have been raised and not whether the order of acquittal would or would not be set aside. It cannot be laid down as an abstract proposition of law of universal application, that each and every petition seeking leave to prefer an appeal against an order of acquittal recorded by the trial court must be allowed by the appellate court and every appeal must be admitted and decided on merits. But it also cannot be overlooked that at that stage, the court would not enter into minute details of the prosecution evidence and refuse leave observing that the judgment of acquittal recorded by the trial court could not be said to be perverse and hence no leave should be granted. The Apex Court also hastened to clarify that it should not be understood to have laid down an inviolable rule that no leave should be refused by the



2026:DHC:7377



appellate court against an order of acquittal recorded by the trial court. The appellate court must consider the relevant material, sworn testimonies of prosecution witnesses and record reasons why leave sought by the State should not be granted and the order of acquittal recorded by the trial court should not be disturbed. Where there is application of mind by the appellate court and the reasons given in brief support such view, the order of the Court cannot be said to be illegal or objectionable. At the same time, however, if arguable points have been raised, if the material on record discloses deeper scrutiny and re-appreciation, review or reconsideration of evidence, the appellate court must grant leave as sought for and decide the appeal on merits.

5.1. In the aforesaid decision, the Apex Court also refers to the dictum in **Sita Ram & Ors. v. State of Uttar Pradesh, (1979) 2 SCC 656**, wherein it was held thus: “31..... *A Single right of appeal is more or less a universal requirement of the guarantee of life and liberty rooted in the concept that men are fallible, judges*



2026:DHC:7377



are men and that making assurance doubly sure, before irrevocable deprivation of life or liberty comes to pass, a full-scale re-examination of the facts and the law is made an integral part of fundamental fairness or procedure". Though the said observations were made in connection with an appeal at the instance of the accused, it was held that the principle underlying the aforesaid rule lies in the doctrine of human fallibility that 'men are fallible', and 'Judges are also men'. It is keeping in view the said object that the principle has to be understood and applied. Now, every crime is considered as an offence against the Society as a whole and not only against an individual even though it is an individual who is the ultimate sufferer. It is, therefore, the duty of the State to take appropriate steps when an offence has been committed.

6. In the case on hand, keeping the aforesaid principles in mind, the contention raised by the learned counsel for the respondent that the materials on record require deeper scrutiny, reappreciation, review or reconsideration of the evidence merely



2026:DHC:7377



on the ground that the acquitted accused enjoys a double presumption of innocence, cannot be accepted. The said aspects will have to be decided on merits after hearing both the parties. That being the position, the leave applied for cannot be declined.

7. Further, it is contended that the application filed under Section 419(3) of the BNSS seeking leave to appeal is barred by the statutorily prescribed period of six months contemplated under Section 419(5) of the BNSS. A perusal of the court records, however, reveal that the impugned judgment was pronounced by the trial court on 13.05.2025. The application for obtaining the certified copy was thereafter made on 30.10.2025, and the certified copy was prepared and delivered on 23.12.2025. Eventually, the petition was, in fact, filed on 30.12.2025, resulting in a total period of 232 days from the date of pronouncement of the impugned judgment, i.e., 13.05.2025. However, the record reveals that 54 days were consumed in processing and obtaining the certified copy of the impugned judgment from the date of applying for the same.



2026:DHC:7377



Upon excluding the said period, the effective period for computation of limitation comes to 178 days (232 days – 54 days). Since the statutorily prescribed period of limitation is 180 days, the petition has been filed within the prescribed period of limitation and, therefore, does not suffer from any delay requiring condonation.

8. Hence, in these circumstances, the leave sought for is granted.

CRL.A. No /2026 (to be numbered)

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

10. Admit.

11. Issue notice to the respondent, returnable on 20.11.26.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

SEPTEMBER 02, 2026/rs

CRL.L.P. 2/2026

Page 9 of 9