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

+ CRL.REV.P. 63/2019 & CRL.M.A. 978/2019

AMIT

..... Petitioner

Through

Mr. Kartickay Mathur,
Advocate.

versus

STATE

..... Respondent

Through

Mr. Kamal Kumar Ghei, APP
for the State.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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18.01.2019

CRL.M.A. 979/2019 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.REV.P. 63/2019

1. Issue notice.
2. Learned APP for the State accepts notice.
3. Renotify on 20.03.2019.
4. Trial Court record and Appellate Court record be requisitioned before the next date of hearing.

CRL.M. (Bail) 75/2019

1. This application has been filed by the petitioner under Section 397 (1) of the Criminal Procedure Code, 1973 ('Cr.PC') read with Section 482 Cr. PC seeking suspension of sentence and release of the petitioner on bail during the pendency of the present criminal revision

petition.

2. Learned counsel for the petitioner submitted that the petitioner was held guilty for offence punishable under Sections 392/411/34 of the Indian Penal Code, 1860 ('IPC') by the Court of Metropolitan Magistrate, Dwarka Courts, Delhi (hereinafter referred as 'Trial Court') in FIR No. 608/13 vide judgment dated 16.02.2018. Further, vide order on sentence dated 27.02.2018 the petitioner was ordered to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- and in default of which the petitioner was to further undergo simple imprisonment of 15 days.

3. Learned counsel for the petitioner further submitted that being aggrieved with the aforesaid judgment and order on sentence passed by the Trial Court, the petitioner filed an appeal before the Special Judge, CBI, (PC ACT), Dwarka Courts, Delhi (hereinafter referred as 'Appellate Court') and vide order dated 02.07.2018, the Appellate Court upheld the conviction of the petitioner and the order on sentence passed by the Trial Court.

4. It is submitted by the learned counsel for the petitioner that the petitioner had moved an application under Section 389 of the Cr.PC which was allowed by the Trial Court and the petitioner was admitted to bail. However, after dismissal of the appeal by the Appellate Court on 02.07.2018, the petitioner was taken back into custody.

5. Learned counsel for the petitioner submitted that the petitioner never misused the bail granted to him during the trial and the appellate proceedings and dismissal of the present revision petition may take some time. Learned counsel for the petitioner further

submitted that since the petitioner has already undergone more than 6 months in custody during the pendency of the present petition, he may be granted bail.

6. In view of the above facts and circumstances, I deem it appropriate to suspend the substantive sentence of the petitioner during the pendency of the present revision petition and the petitioner be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/-, with one surety of the like amount to the satisfaction of the Trial Court.

7. The learned counsel for the petitioner submitted that the petitioner shall deposit the fine immediately within 10 days from the date of his release from the custody. The statement of the learned counsel for the petitioner has been taken on record and the petitioner is directed to deposit the fine of Rs.10,000/- within 10 days from the date of his release from the custody.

8. This bail application stands disposed of in the above terms.

Dasti.

CHANDER SHEKHAR, J

JANUARY 18, 2019

Pallavi