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

+ **CRL.A. 223/2021**

RAJESH KUMAR

..... Appellant

Through: Mr. Santosh, Advocate.

versus

STATE OF NCT DELHI

..... Respondent

Through: Mr. Tarang Srivastava, APP with Insp
Umesh Singh, PS Gokul Puri.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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06.02.2024

CRL.A. 223/2021

List in due course at its turn.

CRL.M.(BAIL) 1500/2023

1. The present appeal has been preferred by the appellant seeking quashing/setting aside of the impugned judgment dated 29.11.2019 and order on sentence dated 11.12.2019, passed by learned Trial Court in case S.C. No. 44893/2013 in FIR No. 432/13, for the offence punishable under Section 302 IPC registered at PS Gokal Puri, Delhi whereby appellant was held guilty and has been, *inter alia*, sentenced to undergo rigorous imprisonment for life with fine and in-default sentence.
2. Vide this application, the appellant is seeking suspension of sentence of the appellant in the aforesaid FIR during pendency of present appeal.

CRL.A. 223/2021

1



3. Issue Notice.
4. The learned APP for State accepts notice and has opposed the present application by submitting that there are serious allegations against the appellant and there are chances of his absconding and therefore, the present application deserves to be dismissed.
5. As per nominal roll dated 13.11.2023, the appellant has already undergone incarceration for a period of 06 years 03 months 16 days and has earned remission of 01 year 01 month and 02 days as on 08.11.2023. There is no other case pending against him and his conduct in jail is reported to be satisfactory.
6. Keeping in view the aforesaid facts and the fact that the present appeal is of the year 2021 and also that there are old appeals pending before us and the listing of the present appeal is not likely in near future, we hereby suspend the sentence of the appellant during the pendency of the appeal. The appellant be released on bail, on his furnishing a bail bond of Rs.10,000/- with one surety of like amount to the satisfaction of the Trial Court concerned.
7. Copy of order be transmitted to the learned Trial Court and to the concerned jail authorities for due compliance.
8. Application stands disposed of.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

FEBRUARY 6, 2024/sw

CRL.A. 223/2021

2



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