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

+ CRL.REV.P. 164/2019, CRL.M.(BAIL) 258/2019 &
CRL.M.As.2972-73/2019

ARUN @ VICKY

..... Petitioner

Through: Mr. Prashant Mehta, Adv.

versus

STATE

..... Respondent

Through: Mr. Kamal Kumar Ghei, APP
with SI Raghuveer, PS
Bindapur, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R

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08.02.2019

CRL.M.A. 2973/2019 (for exemption)

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

CRL.M.A. 2972/2019 (for condonation of delay)

In view of the cause submitted in the application, the delay in filing the petition is condoned. Application stands disposed of.

CRL.REV.P. 164/2019

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) 258/2019

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

Dasti.

CHANDER SHEKHAR, J

FEBRUARY 08, 2019/rk