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via Video-conferencing

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

+ CRL. A. No.253/2020

OBIANIKA AMOBI CHIJOKE Appellant
Through: Mr. Maninder Singh, Advocate.

Versus

STATE (NCT OF DELHI) Respondent
Through: Mr. G.M. Farooqui, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **28.05.2020**

Crl. M.A. No.5165/2020 (for condonation of delay)

Considering the reasons stated in the application, condonation of delay of 01 day in filing the appeal is not opposed by Mr. G.M. Farooqui, learned APP appearing on behalf of the State; and the same is condoned.

The application is accordingly allowed.

Application stands disposed of.

Crl. M.A. No.6894/2020 (exemption)

Exemption is granted, subject to just exceptions and subject to the applicant completing all requirements of filing certified copies of annexures and documents, attested affidavits and requisite court fees within 10 days of lifting of lockdown.

Application stands disposed of.

Crl. M.A. No.6893/2020 (for directions)

By this application, the appellant seeks early hearing of Crl. M. (B) No.409/2020.

For the reasons stated in the application, the same is allowed ; and Crl. M.(B) No.409/2020 is taken-up for hearing.

Application stands disposed of.

Crl. M.(B) No.409/2020 (for suspension of sentence)

The appellant has been convicted under section 23(c) of NDPS Act in case SC No.9000/2016 arising from FIR NO.VIII/24/D20/13.

Although no formal notice has been issued on this application, a reply/status report was sought from the State *vidé* order dated 11.03.2020.

Mr. G.M. Farooqui, learned APP appearing for the State, submits that status report has not yet been filed.

Mr. Maninder Singh, learned counsel appearing for the appellant states that the appellant has been convicted under Section 23(c) of NDPS Act and has been sentenced to rigorous imprisonment for 12 years and fine of Rs.2 lacs. He submits that the appellant has been in judicial custody since 28.09.2013 and has thereby already undergone about 06 years, 07 months of imprisonment. Counsel also submits that the appellant is lodged in Rohini Jail which has reported several cases of COVID-19 virus; and it would be in the interests of justice that the appellant is not exposed to unwarranted health risk and is granted suspension of sentence.

Last opportunity is granted to the State to file status report positively before the next date of hearing.

Let updated nominal roll be also requisitioned from the Jail Superintendent for the next date.

List on 5th June 2020.

ANUP JAIRAM BHAMBHANI, J

MAY 28, 2020/Ne