

**via Video-conferencing**

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

+ CRL.A. 253/2020

OBIANIKA AMOBI CHIJOKE

..... Appellant

Through: Mr. Maninder Singh & Ms. Aekta  
Vats, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. G.M. Farooqui, APP for the State.  
Mr. Rakesh Manchanda, Adv. for the  
NCB

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **05.06.2020**

**CRL. M. (Bail) No. 409/2020 (for suspension of sentence)**

A reply/status report was sought from the State *vidé* order dated 11.03.2020 when the learned APP had appeared ; however it appears inadvertently no formal notice was issued on this application. Thereafter on 28.05.2020, at request of the learned APP, a last opportunity was granted for filing reply/status report. No reply/status report is however forthcoming till date. Nominal roll dated 01.06.2020 has been received from the Jail Superintendent.

2. Today, Mr. Rakesh Manchanda, learned counsel enters appearance for the Narcotics Control Bureau (NCB) and submits that there has been some confusion as between the State of NCT of Delhi and the NCB, inasmuch as this matter is to be defended by the NCB and not

by the Government of NCT of Delhi.

3. By way of the present application, the appellant seeks interim suspension of sentence on the ground of the prevailing pandemic. The appellant has been in judicial custody since 28.09.2013 and has therefore served almost 6 years 8 months out of the 12-year sentence awarded to him. The appellant is stated to be HIV+ and therefore in a very high-risk category of prisoners who are susceptible to infection of COVID-19.
4. By Crl. M.A 6893/2020, early hearing of the present CRL.M.(Bail) 409/2020 has been sought, which was allowed by order dated 28.05.2020.
5. Issue notice.
6. Counsel for the NCB accepts notice and seeks time to file status report.
7. In the circumstances, while the repeated default on the part of the respondent/State to file status report is not appreciated, by way of abundant accommodation, the NCB is given one last opportunity to file status report in the matter, *positively* before the next date, with an advance copy to counsel for the appellant.
8. List on 09<sup>th</sup> June 2020.

**ANUP JAIRAM BHAMBHANI, J.**

**JUNE 05, 2020/uj**