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via Video-conferencing

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

+ **CRL. A. 253/2020**

OBIANIKA AMOBI CHIJOKEAppellant
Through : Mr.Maninder Singh and
Ms.Aekta Singh, Advocates.
versus

STATE (NCT OF DELHI) Respondent
Through : Mr. Rajat Manchanda,
Advocate for NCB.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
% **12.06.2020**

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

This application has been pending consideration since 11.03.2020.

2. Initially, the learned APP for State appeared in the matter and was asked to file a status report. Thereafter at the APP's request, on 28.05.2020 a last opportunity was granted for filing status report. On 05.06.2020, learned counsel for the NCB appeared in the case and stated that it was NCB that was supposed to defend the matter ; and accordingly, the NCB was directed to file the status report positively before the next date, by way of a last opportunity and abundant accommodation.

3. On 09.06.2020, the NCB raised a doubt as to whether the appellant was at all a diagnosed case of HIV+, to address which issue the medical status report was requisitioned from the Jail Superintendent.
4. However, the medical status report is not forthcoming on record today.
5. Mr. Maninder Singh, learned counsel appearing for the appellant states that since the appellant was diagnosed as HIV+ sometime last year, he is not in possession of any record to demonstrate the appellant's medical status. Counsel however points-out that the appellant has been in judicial custody since 28.09.2013 and has therefore undergone about 06 years and 07 months out of the 12-year sentence awarded to him.
6. In these circumstances, while granting to the Jail Superintendent a last opportunity to file the appellant's medical status report, specifically addressing as to whether the appellant is a diagnosed HIV+ case, it is made clear that if such report is not forthcoming on the next date, this court shall proceed on the basis of the averments contained in the application.
7. List on 15.06.2020.

ANUP JAIRAM BHAMBHANI, J.

JUNE 12, 2020

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