

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, Advocate
and Ms.Aekta Vats, Advocate.**

versus

STATE (NCT OF DELHI)

..... Respondent

Through : **Mr. Rajesh Manchanda,
Advocate for NCB.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **16.06.2020**

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

In compliance of the last order, the appellant's medical status report dated 12.06.2020 has been filed. The report confirms that the appellant is a diagnosed case of HIV+ and is under regular treatment since 08.01.2019 from ART Centre OPD, BSA Hospital. The report also says that due to the COVID-19 pandemic and the consequent lockdown, the appellant has not been able to visit the doctor at BSA Hospital for the last two months, though his last visit was on 28.02.2020 and he is due for a review. The report further states that the appellant is being treated for his general illnesses from the jail dispensary and that his general condition is stable and satisfactory.

2. Mr. Maninder Singh, learned counsel for the appellant has been heard at length on the question of suspension of sentence. Counsel has also relied upon certain judicial precedents. In view of the ground cited, namely the appellant's medical condition, it is clear that what is under consideration is the grant of *interim* suspension of sentence.
3. Mr. Manchanda, learned Standing Counsel appearing for the Narcotics Control Bureau (NCB) has also made detailed submissions, opposing the grant of interim suspension of sentence. Mr. Manchanda has referred to written synopsis dated 15.06.2020 filed in the matter and has also relied upon various judicial precedents.
4. During the course of arguments, the following three issues have arisen, which require clarification on the part of both parties :
 - (a) The first issue is as to the visa status and the procedures to be followed before the Foreigners' Regional Registration Officer (FRRO) in the event the appellant is granted interim suspension of sentence, since the appellant's visa has long run-out during his nearly 7-year incarceration ;
 - (b) The second issue is as to verification of the local address furnished by the appellant in CRL. M.A. No. 6893/2020; and
 - (c) The third issue is as to whether the appellant is in a position to furnish local surety of an Indian national.
5. Before proceeding further with the matter, it is deemed appropriate that the NCB verify the local address furnished by the appellant and also apprise the court of the rules and procedures in relation to the visa status and the procedure to be followed before FRRO, if the appellant is granted interim suspension of sentence.

6. The appellant is directed to apprise the court as to whether he is in a position to furnish local surety of an Indian national.
7. For the above purpose, let the NCB file an additional status report; and let counsel for the appellant take instructions.
8. For further consideration, list on 23.06.2020.

ANUP JAIRAM BHAMBHANI, J.

JUNE 16, 2020

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