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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 224/2022
KULDEEP TOMARAppellant
Through: Mr. Dinkar Takiar, Advocate.

versus

STATE (NCT OF DELHI)Respondent
Through: Mr. Ritesh Kumar Bahri, APP for the
State.
Mr. Harsh Prabhakar (*amicus-curiae*)
with Mr. Dhruv Chaudhry,
Advocates.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **18.03.2025**

CRL.M.(BAIL) 549/2025

1. The instant application under section 430 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant/appellant seeking the following reliefs :

“(i) Grant Interim Suspension of sentence to the Appellant for a period of 02 months considering the examination of the Appellant scheduled w.e.f. 17.03.2025 to 21.04.2025; AND also on the ground of the medical condition of the wife of the Appellant, who needs to undergo surgery.

“(ii) Pass any other or further order(s) as may be deem fit and proper in the facts and in the circumstances of the case. “

2. The applicant/appellant seeks interim suspension of sentence for a period of 02 months on the ground that he had enrolled for B.A. (Pvt.) programme in the Chaudhary Charan Singh University, Meerut, U.P and the



examination for the same is scheduled w.e.f. 17th March, 2025 to 21st April, 2025. A copy of the examination form of Chaudhary Charan Singh University and the examination scheduled is annexed as Annexure A-1 and Annexure A-2 respectively.

3. The applicant/appellant further seeks interim suspension of sentence on the ground of illness of his wife, who is stated to be already admitted in Shakuntla Hospital, Sagarpur, Delhi.

4. The State has filed its status report and verified the facts as stated in the instant application.

5. Mr. Harsh Prabhakar (*Amicus Curiae*) appearing on behalf of the victim has taken a serious objection and vehemently opposed the instant application, submitting that there is no cogent material cited in the application to show that the applicant/appellant is entitled to appear in the examination without having attended any classes for the said course.

6. At this juncture, Mr. Dinkar Takiar, learned counsel appearing on behalf of the appellant/applicant submitted that in the B.A. (Pvt.) Examination at Chaudhary Charan Singh University, Meerut, U.P, there is no requirement of any minimum attendance for enabling the student/candidate to appear in the examination. However, no relevant documents have been filed by the applicant to support his application, or to show that there is no requirement of any attendance for the purpose of appearing in the examinations.

7. In view of the above, learned counsel appearing on behalf of the appellant prayed for 2 days' time to file the prospectus or any other relevant documents, showing that there is no requirement of attendance for appearing in the above said examinations in the Chaudhary Charan Singh University,



Meerut, U.P.

8. Accordingly, *Pairokar* of the appellant is directed to file an affidavit in this regard within two days.

9. At request, list on 20th March, 2025.

CHANDRA DHARI SINGH, J

ANUP JAIRAM BHAMBHANI, J

MARCH 18, 2025

vr/rk/ryp

Click here to check corrigendum, if any