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

+ CRL.A. 225/2021

MINTAAZ

..... Appellant

Through: Mr. Sumit Chaudhary, Advocate.

versus

STATE GOVT. OF NCT OF DELHI Respondent

Through: Ms. Shubhi Gupta, APP for the State
with SI Kartar Singh, PS: Uttam Nagar.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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24.01.2024

CRL.M.A. 836/2024 (for interim suspension of sentence for one month, by Appellant)

1. This application has been filed under Section 389 Cr.P.C. on behalf of the Appellant Mintaaz s/o Sh. Rozaddin seeking interim suspension of sentence on the ground of attending the third birthday of his son on 31.01.2024. Learned counsel urges that Appellant has served more than five years and five months in judicial custody including the period of remission. This Court vide order dated 23.01.2023 in CRL.M.(BAIL) No. 2/2023 had suspended the sentence of the Appellant for a period of 20 days to enable him to meet his son on his birthday on 31.01.2023, however, Appellant was unable to avail the order as he could not fulfil the condition of bail requiring the Appellant to furnish a surety bond of Rs.25,000/-. It is also submitted that there are certain ceremonies which are required to be performed by the Appellant for his minor son, which he has been unable to perform till date



and if the sentence is suspended, apart from being able to meet his son on his birthday, Appellant will be able to perform the ceremonies as well. It is also stated that the conduct of the Appellant in the jail has been satisfactory, with no complaint and when his sentence was suspended on 16.05.2023 for a period of 20 days, he had surrendered without any delay.

2. Status report has been filed by the State verifying the factum of the birthday of Appellant's son on 31.01.2024. Copy of the birth certificate has also been filed along with the status report.

3. Considering the facts and circumstances, this Court deems it fit to grant interim suspension of sentence to the Appellant. Consequently, the sentence is suspended for a period of 10 days from the date of his release, subject to Appellant furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Trial Court and subject to the following conditions:-

- (i) Appellant shall not leave Delhi/NCR during the period of interim suspension of sentence;
- (ii) He shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times;
- (iii) He shall not indulge in any criminal activity and shall not communicate with or come in contact with the victim or any member of the victim's family;
- (iv) He shall contact the IO telephonically once in three days; and
- (v) He shall surrender before the Jail Authorities upon expiry of the period of interim suspension of sentence.

4. Application stands disposed of.



5. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

JYOTI SINGH, J

JANUARY 24, 2024/shivam