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

+ **CRL.A. 225/2021**

MINTAAZ

.....Appellant

Through: Mr. Sunil Choudhary & Ms.
Preeti, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for
the State.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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09.05.2025

CRL.M.(BAIL) 633/2025 (For interim suspension of sentence and his consequential release for a period of 6 weeks)

1. This is an application filed by the Appellant under Section 430 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking interim suspension of sentence for a period of six weeks in order to enable him to get his child, who is about 04 years of age, admitted in school.

2. The present appeal is directed against the impugned Judgment of conviction dated 03.12.2020 and Order on Sentence dated 12.01.2021 passed by learned ASJ-04, South West District, Dwarka Courts, New Delhi in Sessions Case No. 362/2017 arising out of FIR No. 797/2016 registered at Police Station Uttam Nagar under Sections 376(2)(i) read with section 375(a)/503/506 of the Indian Penal Code, 1860 [“IPC”] and Section 6 read with Section 5(m) of the Protection of Children from Sexual Offences Act, 2012 [“POCSO”].



3. Vide the impugned Judgment, the Appellant has been sentenced to undergo rigorous imprisonment for twelve years alongwith a fine of Rs. 3,000/- for the offence under Section 6 of the POCSO Act and further sentenced under Section 506 Part I read with Section 503, IPC to undergo one year rigorous imprisonment alongwith a fine of Rs. 2,000/-.

4. The nominal roll dated 08.04.2025 reveals that as on the date of the nominal roll, the Appellant had spent a period of 05 years, 10 months and 04 days and has earned remission of 01 year and 14 days meaning thereby, that he has spent more than 06 years and 10 months under incarceration.

5. The Status Report dated 14.04.2025 verifies that the child of the Appellant was born on 31.01.2021.

6. Though the Status Report indicates that there are other family relatives like the father and brother of the Appellant to assist the wife of the Appellant to get admission of their child, however, considering the facts of the case, this Court is inclined to suspend the sentence for a period of six weeks from date of his release. The Appellant is granted an interim suspension of sentence upon furnishing a personal bond in the sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the concerned Trial Court/Metropolitan Magistrate, subject to the following conditions:-

- (i) The Appellant shall report to the local Police Station on every Monday during the period of six weeks;
- (ii) The Appellant shall not leave the NCT of Delhi without prior permission of the Ld. Trial Court;
- (iii) The Appellant shall give his mobile number to the concerned Investigating Officer and keep the same



operational at all times during the period of six weeks;

(iv) The Appellant shall not indulge in any criminal/illegal activity and if he is found to be so involved, prosecution shall be at liberty to seek cancellation of interim suspension of sentence.

(v) The Appellant shall positively surrender on expiry of period of six weeks from the date of his release.

7. It is made clear that no further extension of interim suspension of sentence will be granted on account of the admission of the Appellant's child after the period of six weeks.

8. The application is disposed of accordingly.

9. A copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

MAY 9, 2025/v