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

+ **CRL A. 1074/2019.**

AJAY DAGAR

..... Appellant

Through: Mr.S.P.Kaushal,
Advocate.

Versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Mr. Amit Ahlawat, Ld.
APP for the State.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

20.05.2020

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BRIJESH SETHI, J.

The hearing has been conducted through video conferencing.

Crl.M.B.No. 1652/2019-Suspension of Sentence)

1. This is an application filed u/s. 389 Cr.P.C on behalf of the appellant Ajay Dagar for suspension of the operation of the order on sentence dated 21.08.2019.
2. Ld. APP for the State submits that TCR has yet not been received and therefore, the prayer of Ld. Counsel for the appellant for suspension of sentence cannot be considered at this stage.
3. In view of the above, Ld. Counsel for the appellant prays that if his application for regular suspension of sentence cannot be not considered at this stage, appellant's sentence may be temporarily

suspended because of Covid-19 and father's illness. Ld. Counsel submits at Bar that father of the appellant who is 70 years old is to be operated for Cataract and there is no male member in his family to look after him. It is further submitted that appellant has already served the sentence of approximately two years and 10 months out of the sentence of seven years awarded to him. He has, therefore, prayed that sentence of the appellant be suspended for a period of eight weeks in the interest of justice.

4. Heard. Keeping in view that petitioner's father is to be operated upon and there is no other male member to look after him and he has also to make necessary arrangements at home in view of Covid-19, the sentence of the appellant is suspended for a period of 45 days on his furnishing a personal bond in the sum of Rs.25,000/- before the concerned Jail Superintendent/Duty Magistrate and he be released, if not required in any other case. It is, however, clarified that petitioner will furnish a surety of Rs. 25,000/- also as and when learned Trial Court resumes its normal functioning. However, if the period of interim suspension of sentence expires before the learned Trial Court starts/resumes its normal functioning and the appellant surrenders, then there would be no need to furnish surety. Further, the interim sentence of the appellant is suspended on the following conditions:-

- I. The applicant shall contact telephonically the concerned IO/SHO of PS concerned on every Monday during the period of his release;

- II. The applicant shall not leave the jurisdiction of NCT of Delhi; and
- III. The applicant shall surrender after the expiry of 45 days from the date of his release.
5. A copy of this order be also sent to the concerned Jail Superintendent via electronic mode.
6. A copy of this order be uploaded on the website of this court forthwith.

CRL A. 1074/2019 & CrI.M.B.No. 1652/2019

List on 06.07.2020.

BRIJESH SETHI, J

MAY 20, 2020

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