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

+ CRL.A. 580/2020, CRL.M.(BAIL) 8335/2020, CRL.M.(BAIL) 8336/2020, CRL.M.A. 16084/2020 & CRL.M.A. 16085/2020

KAMTA PRASAD SINGH

..... Applicant

Through: Mr.Akhand Pratap Singh, Mr.Bahul Kalra, Mr.Abhinandan Gautam & Ms.Meghna Sharma, Advocates.

Versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr.Nikhil Goel, SPP for CBI with Mr.Dushyant Sarna, Advocate.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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24.11.2020

(hearing through Video Conferencing)

CRL.M.A. 16084-85/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The applications stand disposed of.

CRL.A. 580/2020, CRL.M.(BAIL) 8335/2020, CRL.M.(BAIL)

8336/2020

The appellant, vide the present appeal assails the impugned judgment dated 04.03.2020 of the learned District & Sessions Judge, West in FIR No.89/2018, PS Makhi and FIR No.90/2018, PS Makhi now bearing RC No.9-SO/2018 and RC No.10-SO/2018 respectively as well as the impugned order on sentence dated 13.03.2020 whereby the appellant herein was sentenced vide observations in paragraph 22 of the impugned order on sentence to the effect:-



“(i) sentenced to undergo rigorous imprisonment for a period of five years u/s 120B of IPC with fine of Rs.25,000/- and in default of payment of such fine, the defaulter/convict shall undergo further imprisonment for a period of one year;

(ii) sentenced to undergo rigorous imprisonment for a period of one year u/s 166 of IPC with fine of Rs.5,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of three months;

(iii) sentenced to undergo rigorous imprisonment for a period of three years u/s 167 of IPC with fine of Rs.10,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of six months;

(iv) sentenced to undergo rigorous imprisonment for a period of seven years u/s 193 of I PC with fine of Rs.25,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of 18 months;

(v) sentenced to undergo rigorous imprisonment for a period of two years u/s 201 of IPC with fine of Rs.5,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of six months;

(vi) sentenced to undergo rigorous imprisonment for a period of two years u/s 203 of IPC with fine of Rs.5,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of six months;

(vii) are sentenced to undergo rigorous imprisonment for a period of seven years u/s 211 of IPC with fine of 1Rs.10,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of 18 months;

(viii) sentenced to undergo rigorous imprisonment for a period of three years u/s 218 of IPC with fine of Rs.5,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of six months;

(ix) sentenced to undergo rigorous imprisonment for a period of one year u/s 323 of IPC with fine of Rs.1,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of three months;



(x) sentenced to undergo rigorous imprisonment for a period of one month u/s 341 of IPC with fine of Rs.500/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of seven days;

(xi) sentenced to undergo rigorous imprisonment for a period of ten years u/s 304 Part - II of IPC with fine of Rs.25,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of 24 months;

(xii) sentenced to undergo rigorous imprisonment for a period of three years u/s 3 r/w Sec. 25 of the Arms Act with fine of Rs.5,000/- and in default of payment of such fine, the defaulter/convict shall undergo further rigorous imprisonment for a period of six months”,

with the benefit of Section 428 of the Cr.P.C., 1973 having been given to the appellant.

The present appeal being the first appeal is admitted for hearing.

Notice of the appeal and of the accompanying applications i.e. CRL.M.(BAIL) 8335/2020 seeking suspension of sentence during the pendency of the appeal and of CRL.M.(BAIL) 8336/2020 seeking interim suspension of sentence for a period of eight weeks is issued to the State and is accepted by the learned APP on behalf of the State.

The response to CRL.M.(BAIL) 8335/2020 be submitted by the CBI before the date 12.01.2021.

As regards CRL.M.(BAIL) 8336/2020 with it *inter alia* having been submitted on behalf of the appellant/applicant that he is undergoing ailments and has been diagnosed with jaundice and that he is not being provided adequate meals and that he has low haemoglobin levels and has been advised endoscopy in view of a persistent stomach pain and other issues, the medical report from the Superintendent Jail, Delhi concerned where the appellant is presently lodged is called for along with and updated medical status report after medical examination of the appellant being conducted by the jail authorities for the next date of hearing.



The nominal roll be also called for qua the appellant from the Superintendent Jail, Delhi concerned for the next date of hearing.

The verification report in relation to the averments made in this application be submitted by the CBI before the next date of hearing.

The matter be re-notified for 01.12.2020.

ANU MALHOTRA, J

NOVEMBER 24, 2020

'neha chopra'