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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 886/2023**
MOHD. ASIF Appellant
Through: **Mr. Raj Kumar and Mr. Farooq**
Ahmed, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through: **Mr. Ajay Vikram Singh, APP with**
SI Shivendra Singh, PS: Subhash
Place.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **16.04.2024**

CRL.M.(BAIL) 1467/2023

1. An application under Section 389 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the appellant for suspension of sentence and release on bail during pendency of appeal in FIR No. 0346/2017, under Sections 392/397/34 IPC & Section 27 of Arms Act, registered at PS: Subhash Place.

2. Appellant has been convicted vide judgment dated 11.05.2022 and sentenced vide order dated 02.07.2022 to undergo Rigorous Imprisonment (RI) for 07 years for offence punishable under Section 397 IPC; Imprisonment already undergone and fine of Rs. 5,000/- for offence punishable under Section 392 IPC (in default of payment of fine, to undergo SI for 01 month); Imprisonment already undergone and fine of Rs. 5,000/- for offence punishable under Section 27 of Arms Act (in default of payment of

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fine, to undergo SI for 01 month) with benefit of Section 428 Cr.P.C.

3. Learned counsel for appellant submits that appellant has undergone sentence of about 05 years and 01 month and there are contradictions in testimony of witnesses.

4. Application is vehemently opposed by learned APP for the State. It is pointed out that the appellant is involved in 07 cases under Sections 392/397/34 IPC and jail conduct of the appellant is completely unsatisfactory, since punishments have been imposed on him for recovery of contraband items, misbehavior and physical assault.

5. Considering the evidence on record and facts and circumstances of the case, this Court is of the considered opinion that no grounds for suspension of sentence are made out. Let appeal be listed for hearing on 25.07.2024.

Application is accordingly disposed of.

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List on 25.07.2024.

ANOOP KUMAR MENDIRATTA, J.

APRIL 16, 2024/R