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

+ CRL.REV.P. 473/2018

JITENDER KUMAR MANJHI Petitioner

Through: Mr. Saurabh Soni, Advocate

versus

RADHA RAMAN SRIVASTAVA Respondent

Through: Mr. Ashish Virmani, Advocate

+ CRL.REV.P. 471/2018

JITENDER KUMAR MANJHI Petitioner

Through: Mr. Saurabh Soni, Advocate

versus

RADHA RAMAN SRIVASTAVA Respondent

Through: Mr. Ashish Virmani, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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27.04.2020

CRL.M.A. 5921/2020 IN CRL.REV.P. 473/2018

CRL.M.A. 5821/2020 IN CRL.REV.P. 471/2018

1. The present applications have been filed under Sections 389 r/w Section 482 Cr.P.C. seeking suspension of sentence in the light of the COVID-19 outbreak and directions passed by the Hon'ble Supreme Court in W.P.(C) 1/2020 in Re: Contagion of COVID 19 virus in prisons concerning *inter alia* decongestion of prisons.

2. Learned counsel for the petitioner submits that the petitioner was convicted by the trial court vide separate judgments dated 23.02.2017 passed ***CRL.REV.P. 473/2018 and CRL.REV.P. 471/2018***

in CC No.4990702/16 and C.C. No.4992385/16 for the offence punishable under Section 138 NI Act and was sentenced to undergo SI for 1 year in each case along with directions to pay compensation of Rs.24 lacs and Rs.16 lacs respectively i.e., the cheques in question to the complainant and also litigation expenses of Rs.20,000/- in each case. In default of payment of compensation, the petition was directed to further undergo SI for six months in each case.

3. Learned counsel for the petitioner submits that in both the cases the sentences were directed to run consecutively. He further submits that out of the total combined sentence of 3 years (including default sentences), the petitioner has undergone approximately two years and four months. He also submits that an application for concurrent running of sentences is pending. He also prays that in view of the COVID-19 pandemic and in the facts and circumstances of the case, the appellant's sentence may be suspended.

4. Mr. Ashish Virmani, learned counsel for the respondent, in view of the COVID-19 pandemic situation, very fairly, does not oppose the prayer of the petitioner however, he prays that an amount of Rs.96,000/- which was deposited before the trial court/appellate court be released to the respondent.

5. At this stage, Mr. Saurabh Soni, learned counsel for the petitioner has taken telephonic instructions from the daughter of the petitioner and submits that he has no objection if the same is released to the respondent however, the same should be without prejudice to the rights and contentions of the petitioner.

6. In view of the above and especially the unprecedented situation prevalent because of COVID-19, the sentence awarded to the petitioner is suspended in both the cases subject to his furnishing a person bond in the sum of Rs.25,000/- in each case to the satisfaction of the concerned Jail Superintendent/Duty MM. In view of the resolution dated 07.04.2020 of the 'High Powered Committee' and the consequent order dated 09.04.2020 passed by Division Bench of this Court in W.P.(CRL.) 779/2020 titled as "Court of Its Motion v. State", the requirement of furnishing a surety bond is dispensed with.

7. The applications stand disposed of.

8. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

APRIL 27, 2020

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