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

+ **CRL.A. 960/2018 (URGENT)**

GULSHAN KUMAR

..... Appellant

Represented by: Mr.Ashwani Kumar Sharma,
Adv. with Mr.Amit Saxena,
Adv.

versus

STATE

..... Respondent

Represented by: Mr.Amit Chadha, APP for
State.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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09.06.2020

Crl. M.A. 2562/2020

1. The hearing has been conducted through video conferencing.
2. In view of the reasons stated in the present application, the delay of 38 days in re-filing the appeal is condoned.
3. The application is allowed and disposed of.

Crl.M.B.6458/2020

4. The present application has been filed by the applicant/appellant seeking interim suspension of sentence, however, learned counsel for applicant/appellant submits that he is not pressing the present application and prayed that pending application Crl.M.B.220/2020 may be taken up today for hearing.
5. Accordingly, the present application is dismissed as not pressed and



Crl.M.B. 220/2020 is taken up for hearing today.

Crl.M.B.220/2020

6. With the consent of counsel for the parties, present application is taken up.
7. Learned APP has opposed the present application by stating that applicant was convicted vide order dated 13.04.2018, thus, he has completed 2 years actual sentence of 10 years, therefore, the present application deserves to be dismissed.
8. Counsel for the applicant submits that applicant is in jail since 29.07.2013, thus, he has completed almost 7 years out of total sentence of 10 years as awarded by the Trial Court.
9. However, as per nominal roll dated 19.02.2020, he has undergone 2 years 5 months and 11 days. Thus, it seems that the total period undergone during trial has not been mentioned in the said nominal roll.
10. Accordingly, Jail Superintendent concerned is directed to file fresh nominal roll of the applicant/appellant before the next date of hearing.
11. Renotify on 11.06.2020.
12. The date already fixed i.e. 19.06.2020 stands cancelled.
13. Copy of this order be transmitted to the Jail Superintendent concerned for information and necessary compliance.
14. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

JUNE 09, 2020/ab