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

+ CRL.A. 521/2016

NAVEEN KUMAR

..... Appellant

Through: Mr. Anurag Jain, Adv.

versus

STATE

..... Respondent

Through: Mr. Varun Goswami, APP
for the State with Insp.
Anwar Khan from PS
Jairpur

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 07.03.2017

Crl.M.A.No. 2641/2017

1. We have heard Mr. Anurag Jain, learned counsel for the appellant and Mr. Varun Goswami, learned APP for the State.
2. It is argued by Mr. Jain that the case against the appellant rests on the salutary testimony of Mumtaaz @ Monu (PW4) whose testimony is not reliable. It is further argued that even if the testimony of PW4 was believed in its entirety, only a case under Section 304 Part II of the IPC would be made out and not the case under Section 302 of the IPC for which the appellant has been convicted.
3. The nominal roll discloses that as on 17th December, 2016, the appellant had undergone over 7 years and 6 months of

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incarceration.

4. In view of the above, it is directed as follows :

(i) Subject to the appellant furnishing a personal bond in the sum of ₹10,000/- with one surety in the like amount to the satisfaction of the Id. trial court, the sentence imposed upon the appellant shall remain suspended during the pendency of the appeal.

(ii) Prior to his release, the appellant shall furnish the address as well as the mobile phone number which he would be using during the pendency of the appeal and the phone number of a close relative to the Id. trial court as well as the SHO of Police Station Jaitpur. In case of any change in either his telephone number or address, the appellant shall keep the trial court and SHO of Police Station Jaitpur informed of the same.

(iii) During the pendency of the appeal, the appellant shall record his presence at any time in the day light hours of the second or the fourth Saturday of the months of March and September of every year, with the SHO of P.S. Jaitpur commencing from 25th March, 2017.

The application is allowed in the above terms.

Dasti.

GITA MITTAL, J

ANU MALHOTRA, J

MARCH 07, 2017/aj

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