



\$~19

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

+ **CRL.A. 1028/2016**

KASHIF KHAN

.....Appellant

Through: Mr. Abhishek Dhingra, Adv.  
(M: 9711449041)

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with  
Ms. Divya Yadav, Adv. with SI  
Ankur, PS: Crime, AEKC Sunlight  
Colony

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE DHARMESH SHARMA**

**ORDER**

% **03.02.2025**

1. This hearing has been done through hybrid mode.

**CRL.M.A. 3380/2025 (For Exemption)**

2. Allowed, subject to all just exceptions. Application is disposed of.

**CRL.M.A. 3379/2025 (Seeking modification of the bail condition and permission to travel abroad)**

3. The present application has been moved by the Appellant/Applicant under Section 482 Cr.PC read with section 528 of BNSS, 2023 seeking modification of bail conditions imposed *vide* the bail order dated 30th July 2018 and for permission to travel. The bail order dated 30th July 2018 while suspending the sentence of the Appellant had imposed conditions that he shall not leave India and that he shall not be issued any passport without permission of the Court.



4. The case of the Appellant is that he is involved in business of importing food products and, more specifically, works as quality control manager. He claims to have started his own business and that he wishes to travel to various countries for the purposes of testing, in person, the quality of the products as set out in the application.

5. The Court has noticed that in the present case, the Trial Court has acquitted the Appellant and other co-accused under Sections 364A and 384 of the IPC. However, they all have been convicted under Sections 120-B, 506(II) of the IPC with the aid of Sections 364A and 384 of the IPC. The relevant paragraphs of impugned judgment read as under:

*“Accordingly, I **absolve all the** accused persons for the offences u/s 364-A IPC and 384 IPC:  
I **convict** all the accused persons for the offences u/s 120-B IPC: 506-II / 120-B IPC with the aid of sections 364-A IPC; and 384 IPC; and  
I **convict** accused persons namely Adil Nawaz Khan @ Sharma and Vishal Mahesh Kapoor @ Yusuf Pathan for the offence u/s 170 IPC also.”*

6. Insofar as the sentence is concerned, the Appellant has been sentenced to four years rigorous imprisonment and a fine Rs. 1 lakh. The relevant paragraphs in the order on sentence read as under:

*“Accordingly, convict persons namely **Adil Nawaz Khan; Kasif Khan; Rohit Singh; and Vishal Mahesh Kapoor** are sentenced to undergo rigorous imprisonment for 04 years and fine of Rs.1,00,000/- each as compensation, out of which Rs.80,000/- each be given to victim Rakesh Kathuria and Rs.20,000/- each be deposited to the NDBA A/C **National Relief Fund**, UCO Bank, Patiala House Courts, New Delhi. A/c*



No.18580110072394 - IFSC Code UCBA0001858 for the offences u/s 120-B IPC and 506-II / 120-B IPC as convict persons have been convicted with the aid of sections 364-A IPC and 384 IPC. In default of payment fine convict persons shall further undergo 06 months Simple Imprisonment.

**Convict Adil Nawaz Khan @ Sharma and Vishal Mahesh Kapoor @ Yusuf Pathan are sentenced to undergo rigorous imprisonment for 02 years and fine Rs.10,000/- each u/s 170 IPC and in default of payment fine convict persons shall further undergo 06 months Simple Imprisonment. This fine amount shall be deposited to the NDBA A/C National Relief Fund, UCO Bank, Patiala House Courts, New Delhi, A/c No.18580110072394 - IFSC Code UCBA0001858.**

**All the sentences shall run concurrently.**

**Benefit of section 428 Cr. PC be given to the convict persons.”**

7. The present Appellant/Applicant has also been allowed to apply for and get Passport & VISA for visiting countries such as Saudi Arabia *vide* order dated 23<sup>rd</sup> August, 2023 in **CRL.M.A. 22428/2023**. He has also been allowed to visit Mecca, Saudi Arabia from 12th December, 2023 to 15th January, 2024 *vide* order dated 6<sup>th</sup> December, 2023 in **CRL.M.A. 32251/2023**.

8. Issue notice. Mr. Ritesh Kumar Bahri, ld. APP for the State accepts notice.

9. Let the facts be verified and the status report be filed on the next date of hearing.

### **CRL.A. 1028/2016**

10. There are three other appeals, being **CRL.A. 1048/2016**, **CRL.A. 1152/2016**, **CRL.A. 1169/2016**, connected to this matter. In all the appeals, the sentence has already been suspended.



11. The said appeals which are in the regular board shall also be listed on the next date of hearing along with the present appeal.
12. Let the latest nominal rolls in all four appeals be requisitioned from the Jail Superintendent.
13. Let the Registry issue notice to the concerned Counsels in the appeals which are in the Regular Board. The State shall serve the said Appellants in the said appeals through the concerned SHO.
14. Let parties file their written submissions.
15. Let a copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.
16. List on 18<sup>th</sup> February, 2025.

**PRATHIBA M. SINGH, J.**

**DHARMESH SHARMA, J.**

**FEBRUARY 3, 2025/sp/Am**