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

+ **CRL.A. 627/2023**

RAJIV@MONU

..... Appellant

Through: Appearance not given.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondent

Through: Ms. Manjeet Arya, APP with
Inspector Suraj Pal, PS Bharat Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

20.12.2023

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CRL. M. (BAIL) 1104/2023

1. The present application under Section 374(2) read with Section 482 Cr.P.C has been preferred by the applicant/appellant seeking the following prayers:-

“A. Allow the Present Appeal and Pass an order setting aside the Impugned Judgment dated 22.02.2023 and Order on point of sentence dated 19.04.2023 passed by the Ld. Trial Court of Sh. Neeraj Gaur, Ld. ASJ-05, North-West Rohini Court, Delhi in SC No. 426 of 2017 arising out of FIR No. 81 of 20 17 registered at Police Station Bharat Nagar, Delhi whereby the present appellant was convicted and sentenced.”

2. The learned APP for the State has opposed the present application on the ground that the allegations against the applicant/appellant are serious in nature and that there is no merit in the application. Learned APP further



pressed that the said application be dismissed and instead of suspending the sentence of the applicant/appellant, the appeal itself be listed for final hearing.

3. As per the nominal roll dated 25.11.2023, the appellant / applicant has undergone incarceration of 04 years 11 months and 20 days and earned remission of 18 days as on 23.11.2023. Thus, he has not even undergone half of the sentence, therefore, at this stage, we are not inclined to allow the present application for suspension of sentence of the appellant / applicant. Application is accordingly disposed of.

SURESH KUMAR KAIT, J

SHALINDER KAUR, J

DECEMBER 20, 2023/ss