

Mohd. Ekram @Guddu And Anr vs State (Gnct Of Delhi) on 9 January, 2023

Author: Siddharth Mridul

Bench: Siddharth Mridul, Talwant Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 20/2023

MOHD. EKRAM @GUDDU AND ANR. Appellants
Through: Mr. Madhav Khurana and Mr.
Bhriugu Pamidighantam,
Advocates.

versus

STATE (GNCT OF DELHI) Respondent
Through: Mr. Laksh Khanna, APP for the
State along with Inspector Vive
P.S.: Dabri.

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE TALWANT SINGH
ORDER

% 09.01.2023 CRL.M.A. 418/2023 (Exemption) Exemption allowed, subject to all just exceptions. The application is disposed of accordingly. CRL.M.A. 419/2023 (Delay) The present application under Section 5 of Limitation Act, 1963, has been instituted on behalf of the applicant/appellant seeking condonation of 23 days' delay in filing the accompanying appeal.

Issue notice.

Mr. Laksh Khanna, learned APP accepts notice on behalf of the non-applicant/State and fairly does not oppose this present application.

In view of the averments made in the application, which are duly supported by an affidavit and the circumstance that the applicant/appellant is incarcerated, the application is allowed. The delay of 23 days in filing the accompanying appeal is condoned.

The application is disposed of accordingly.

Issue notice.

Mr. Laksh Khanna, learned APP accepts notice on behalf of the State.

Admit.

The trial court record be requisitioned. The Registry is directed to prepare the appeal paper books forthwith and provide copies thereof to learned counsel appearing on behalf of the parties.

List the appeal in due course.

CRL.M.(BAIL) 25/2023 (for Regular Bail) The present application under Section 389 of the Code of Criminal Procedure, 1973, has been instituted on behalf of Mohd. Ekram alias Guddu, praying as follows:-

"Therefore, in the interest of justice, it is most humbly prayed before this Hon'ble Court that:

- i. Suspend the sentence of the applicant and release him on regular bail during the pendency of his criminal appeal.
- ii. Any other order or direction may be passed which this Hon'ble Court deems fit and proper in the facts of the case."

Issue notice.

Mr. Laksh Khanna, learned APP accepts notice on behalf of the non-applicant/State.

Having heard learned counsel appearing on behalf of the parties and perused the relevant paragraphs in the impugned judgment dated 09.05.2022 in Sessions Case No. 440407/2016, tilted 'State v. Mohd. Nabil & Ors.', passed by the learned ASJ (FTSC), (POCSO) 01, South West District, Dwarka Courts, New Delhi, and in particular, the testimony of PW-1, the child victim, read in conjunction with the FSL Report No. FSL-2016/B-2683 having Bio No.787/16, which is exhibited as Exhibit-PX-1, we are of the view that, no good ground for regular suspension of sentence and release on regular bail, is made out by the applicant/appellant, at this stage.

The application is dismissed and disposed of accordingly.

SIDDHARTH MRIDUL, J TALWANT SINGH, J JANUARY 09, 2023/rs Click here to check corrigendum, if any