

Sidharth Jeitley vs The State (Govt. Of Nct Of Delhi) on 7 July, 2020

Author: J.R. Midha

Bench: J.R. Midha

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL. A. 1150/2019
SIDHARTH JEITLEY

..... Appellant
Through: Mr. Mohammad Mustafa
along with Mr. Azam
Ansari, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Ms.Asha Tiwari, APP for
State.
Dr. Aswani Bharadwaj,
Advocate for the
complainant.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA
HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% 07.07.2020

1. The hearing has been conducted through video conference. Crl. M.A 8776/2020(Exemption)

2. Allowed, subject to all just exceptions.

Crl. M.A 8777/2020(Exemption from filing affidavit and court fees)

3. Exemption allowed, subject to the condition that appellant will file the duly sworn/attested affidavit and will deposit court fees within 3 days from the date of resumption of the regular functioning of this Court.

4. The application stands disposed of.

Crl. M.(Bail) 8775/2020

5. This is an application filed by the appellant under Section 389 read with Section 482 Cr.P.C. seeking extension of interim suspension of sentence for 45 days to take care of his ailing parents as his interim suspension of sentence is going to expire on 9th July, 2020 and further in view of order dated 22nd June, 2020 passed by this Court in W.P.(C) 3080/2019 titled as "Court on its own Motion v. Govt. of NCT of Delhi".

6. It is submitted that vide order dated 27th May, 2020 passed in Cri.M.Bail.6319/2020, this court had suspended the sentence of the appellant for 6 weeks for taking care of his ailing parents and the said interim suspension of sentence of the appellant is coming to an end on 9th July, 2020. It is submitted that mother and father of the appellant are still not keeping well and Doctor has advised them extra care during this Covid-19 pandemic. Learned counsel has, therefore, prayed for extension of interim suspension of sentence of the appellant for further 45 days to look after his parents and also in view of the order dated 22nd June, 2020 passed by this Court in W.P.(C) 3080/2020 titled as "Court on its own Motion v. Govt. of NCT of Delhi".

7. Learned Additional Public Prosecutor for the state has opposed the application on the ground that offence committed by the appellant is heinous in nature and the case of the appellant also does not fall under the purview of order dated 22nd June, 2020 passed by this Court in W.P.(C) 3080/2020 titled as "Court on its own Motion v. Govt. of NCT of Delhi". It is, therefore, prayed that application of the appellant for extension of interim suspension of sentence be dismissed.

8. Learned counsel for the complainant has submitted that appellant was seen moving around the society/house of the complainant on 23rd June, 2020 and after seeing the complainant, he had run away from there. He has further submitted that on 26th June, 2020 at about 1.00 PM/1.30 PM, complainant had again seen appellant with his parents firstly at DC Chowk market, Rohini where complainant had gone for some personal work and after some time, complainant saw appellant standing outside his society from the window of his house. It is submitted that this is not a coincidence that father of the victim has seen appellant two times in such a short period after he got interim bail. It is further submitted that appellant used to threaten the complainant in court corridor during trial that he would see him and spoil his life when he comes out of jail. The complainant has two minor children. The appellant has brutally murdered complainant's son, aged about 10 years and complainant has an apprehension that the appellant may cause harm to him as well as his family. It is further submitted that appellant is resident of Old Rajender Nagar, New Delhi and has no reason to roam in the residential area of the complainant and it appears that appellant is in a mood to act against complainant and his family and their safety is in danger. Learned counsel has further submitted that a complaint dt. 29th June, 2020 in this regard was also filed before the SHO, Police Station, Prashant Vihar, Delhi. Learned counsel for the complainant has, therefore, prayed for dismissal of the application.

9. We have considered the rival submissions. Appellant is seeking extension of interim suspension of sentence in view of order dated 22nd June, 2020 passed by this Court in W.P.(C) 3080/2020 titled as "Court on its own Motion v. Govt. of NCT of Delhi" and also on the grounds that his parents are still not keeping well. Perusal of the order dated 22nd June, 2020 passed by this Court in W.P.(C) 3080/2020 titled "Court on its own Motion v. Govt. of NCT of Delhi" reveals that it pertains

to extension of interim bail of Under Trial Prisoners only whereas the appellant in the present case has been convicted for an offence under Section 302/364A/201 IPC for kidnapping and murder of minor child Vipul Kansal, aged about 10 years and therefore, his case does not fall under the aforesaid order. So far as ailments of the parents of the appellant are concerned, the appellant has already been granted interim bail for 6 weeks to take care of his ailing parents. Now, keeping in view the fact that the appellant was seen roaming around the society/house of the complainant and a complaint to SHO, Police Station, Prashant Vihar, Delhi was also filed by father of the victim on 29th June, 2020 in which he has stated that the appellant used to extend threat to him during the trial and he has also expressed concern about his safety as well as safety of his family which includes two minor children and also in view of the fact that the appellant had no reason to move around the house/society of the complainant and further keeping in mind the heinous nature of offence for which he has been convicted, we are not inclined to extend the interim suspension of sentence of the appellant. The application for extension of interim suspension of sentence is, therefore, dismissed and stands disposed of accordingly.

10. A copy of this order be sent to the concerned Jail Superintendent via electronic mode.

11. List in due course on its own turn in the category of „Regulars'.

12. The order be uploaded on the website of this Court forthwith.

J.R. MIDHA, J BRIJESH SETHI, J JULY 07, 2020 AK