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

+ CRL.A. 574/2023

VIJAY DARDA

..... Appellant

Through: Mr. Vijay Aggarwal, Mr. Nagesh Behl, Mr. Vishal Gourav, Mr. Mukul Malik, Mr. Pankush Goyal and Mr. Rajat Tayal, Advocates

versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Ms. Tarannum Cheema, Mr. Akshay Nagarajan and Mr. Akash Singh, Advocates

**CORAM:**

**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**26.09.2023**

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1. Admit.
2. List in due course.
3. In the meantime, Registry is directed to summon the trial Court record and tag the same along with this file.

**CRL.M.(BAIL) 1047/2023 (suspension of sentence)**

4. The present application under Section 389(1) of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed by the appellant praying *inter alia* for suspension of sentence awarded to him, *vide* order on sentence dated 26.07.2023, whereby he was sentenced to (i) undergo rigorous imprisonment for a period of three years with fine of Rs. 5,00,000/- for offence punishable under Sections 120B/420 IPC and Section 13(1)(d)(iii) read with Section 13(2) PC Act, and in default of payment of fine, to undergo simple imprisonment for three months (ii) undergo rigorous imprisonment for a



period of four years with fine of Rs. 10,00,000/- for substantive offence punishable under Section 420 IPC, and in default of payment of fine, to undergo simple imprisonment for three months. All sentences were ordered to run concurrently.

5. Learned counsel for the appellant submits that the appellant was never arrested during the course of investigation and the chargesheet was filed without arrest. It is further stated that after being summoned by the learned Trial Court, the appellant had been admitted to bail, and he has never misused the liberty of bail granted to him. It is further submitted that the aforesaid fine imposed by the learned Trial Court has already been paid by the appellant. It is also stated by learned counsel that appeals filed by co-accused persons have already been admitted and listed in due course and their sentences have been suspended. Therefore, it is prayed that the sentence imposed on the appellant in the present case may be suspended during the pendency of the appeal.

6. Learned counsel for CBI argues to the contrary and submits that the impugned judgment has meticulously dealt with all the issues raised in the present appeal and in all probability, the appeal is likely to be dismissed by this Court and, therefore, the sentence of the appellant should not be suspended.

7. I have heard arguments addressed by both the parties and have perused the material placed on record.

8. In the present case, the appellant was released on interim bail by this Court *vide* order dated 28.07.2023.

9. Having regard to the aforesaid facts and circumstances of the case, the present application is allowed. It is directed that the sentence imposed on the



appellant shall remain suspended during the pendency of the present appeal, subject to his furnishing a personal bond in the sum of Rs. 1,00,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The appellant shall not leave the country without prior permission of the concerned Court.
- ii) The appellant shall provide his residential address/contact details to the Trial Court as well as to the Investigating Officer.
- iii) In case of change of residential address/contact details and phone number, the appellant shall promptly inform the same to the concerned Trial Court/Investigating Officer.
- iv) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

10. Accordingly, application stands disposed of.

**CRL.M.A. 19830/2023**

11. List for consideration on 14.02.2024.

12. A copy of this order be given *dasti* under the signature of Court Master.

13. The order be uploaded on the website forthwith.

**SEPTEMBER 26, 2023/ns**

**SWARANA KANTA SHARMA, J**

[Click here to check corrigendum, if any](#)