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

+ CRL.A. 203/2005 and CrI. M.A. 2594/2005 and 4510/2006

AMIT

..... Appellant

Through: None

Mr. Jawahar Raja, Advocate for surety / Ms.
Rukmini Sen.

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Sunil Kumar

Mr. V. Goyal, Superintendent, Central Jail-11

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.11.2018

The surety is present in person with counsel and submits inability to produce the appellant stating he is not traceable. She is ready and willing to deposit the surety amount. To facilitate opportunity, the matter was passed over. It has been taken up again on it being mentioned. The surety has deposited Rs.25,000/- with the Cashier in the Registry, photocopy of the receipt has been placed on record, this also having been confirmed by the office note on part-B of the record.

The Superintendent, Central Jail no.11, Mandoli is present and regrets non-submission of the report on the last date of hearing. It is

hoped that such defaults would not occur in the future. Notice to the Superintendent is dropped.

The non-bailable warrant has been returned unexecuted by SHO of police station South Rohini vide his report dated 20.11.2018. A perusal of the report would show that the appellant is evading execution of the non-bailable warrant, he having rendered himself untraceable for the last several years. The appellant was released on bail, the remaining sentence having been suspended by order dated 23.08.2006. He has failed to appear on the appeal being taken up.

It is clear from the reports that the appellant is absconding. Against this backdrop, the course adopted by the division benches of this Court in *Mukesh vs. State* 2008 SCC Online Del 877 and *Kamlesh vs. State* 2009 SCC Online Del 3729 commends itself to be followed. Since the appellant, who was enlarged on bail, is deliberately keeping himself away not prosecuting the appeal, it being rendered manifestly an abuse of the process of the court, the appeal and the pending applications are dismissed. Coercive steps will be taken by the trial court against the appellant, to ensure, he serves the sentence awarded in the case. The SHO of police station being obliged to render all assistance.

R.K.GAUBA, J

NOVEMBER 20, 2018

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