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

+ CRL.A. 415/2005

ARJUN SHAH (ROHINI JAIL)

..... Appellant

Through: Mr. Simon Benjamin and Ms. Aastha  
Shah, Advocates

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP with SI  
Sunil Chandra

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

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**04.12.2018**

Status report submitted. Taken on record. Surety has already deposited penalty amount of Rs.10,000/- as confirmed by the office report.

From the status report, it is clear that the appellant is evading execution of the non-bailable warrant which had been issued by the earlier order.

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 is dismissed. Coercive steps will continue against the appellant to ensure that his presence is secured so that he is taken in custody to serve the remaining sentence as ordered by the trial court by its judgment dated 20.08.2004 and order on sentence dated 24.08.2004.

A copy of this order be sent to the trial court for necessary action to enforce and execute the sentence against the convict. The concerned SHO shall render all assistance to the trial court.

**R.K.GAUBA, J**

**DECEMBER 04, 2018**

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