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

+ CRL.A. 440/2002

SURINDER KUMAR YADAV Appellant
Through: None

versus

STATE N.C.T. OF DELHI Respondent
Through: Mr. Sanjeev Sabharwal, APP for State
with SI Ramphal Singh

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.02.2019

The appellant was sent up for trial in sessions case no.68/2000 on the basis of charge-sheet filed in case FIR no.76/99 of police station Jaffarpur Kalan and by judgment dated 20.05.2002 of the Additional Sessions Judge, he was held guilty and convicted on charge for offences under Sections 498A and 304 B IPC. By a subsequent order dated 20.05.2002, he was sentenced to imprisonment for three years with fine of Rs.2,000/-, in default simple imprisonment for three months under Section 498A IPC, and imprisonment for ten years for offence under Section 304B IPC.

The present appeal was filed to assail the above said judgment of conviction and order on sentence. The appellant was released on bail, the sentence having been suspended, by order dated 13.08.2003, pending hearing on the appeal. Thereafter, the appellant has not appeared scrupulously, he being elusive for last several years. The

non-bailable warrants have been issued to secure his presence but without success. The report dated 04.02.2019 of the Station House Officer of police station Jaffarpur Kalan confirms that the appellant continues to be not traceable.

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. The trial court will take necessary steps in accordance with law for enforcement of the order on sentence, the concerned Station House Officer being duty bound to render all assistance.

R.K.GAUBA, J.

FEBRUARY 06, 2019

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