

**via Video-conferencing**

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

+ W.P.(CRL.) 789/2020 & CRL. M.A. Nos. 7814-16/2020

MOHD. MOIM

.....Petitioner

Through : Mr. Vishal Raj Sehijpal,  
Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through : Ms. Nandita Rao, ASC for  
State.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

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**18.06.2020**

**CRL. M.A. Nos. 7815-16/2020 (for exemption)**

Exemptions are granted, subject to just exceptions and subject to the applicant completing all requirements of filing certified copies of annexures and attested affidavits within 10 days of physical reopening of courts.

The applications stand disposed of.

**CRL. M.A. No. 7814/2020 (for depositing fine)**

The petitioner was convicted in case FIR No. 503/2011 registered under sections 363/376 IPC at PS : Mandawali, Delhi *vidé* judgment dated 20.01.2014; and sentenced *vidé* order on sentence dated 24.01.2014 to undergo rigorous imprisonment for 10 years with

a total fine of Rs.3,000/- and a default sentence of simple imprisonment for 03 months.

2. Mr. Vishal Raj Sehijpal, learned counsel for the petitioner states that Criminal Appeal No. 544/2016 filed against the judgment and order on sentence was dismissed *vidé* judgment dated 12.11.2018.

3. The petitioner was granted parole *vidé* order dated 01.05.2020 for a period of 08 weeks.

4. Counsel for the petitioner states that the petitioner has already undergone his substantive sentence and is presently undergoing the default sentence for non-payment of fine. The petitioner now wishes to pay the fine, which however has not been possible by reason of truncated functioning of courts due to the prevailing pandemic.

5. Counsel states that the petitioner approached the learned Duty Magistrate, Karkardooma Courts to deposit the fine; however his prayer was declined on the ground that since the petitioner has been convicted by the learned Sessions Court, fine can only be paid before that court, which court however is not functioning.

6. By way of the present application, the petitioner prays that he be permitted to deposit the fine amount before the learned Duty Magistrate, East District, Karkardooma Courts instead of the Sessions Court and to thereby forego the remaining default imprisonment.

7. Issue notice.

8. Ms. Nandita Rao, learned Additional Standing Counsel enters appearance for the State on advance copy; and accepts notice.

9. Ms. Rao, on instructions, states that the petitioner has indeed completed his substantive sentence; and in the circumstances, the

State has no objection if the petitioner is permitted to deposit the fine amount imposed and thereby curtail the default sentence that he is presently undergoing.

10. In view of the above, the application is allowed.

11. The petitioner is permitted to deposit the entire fine amount of Rs.3,000/- before the Duty Magistrate, East District, Karkardooma Courts, Delhi within 01 week from today.

12. Subject to deposit of fine and completion of other procedural formalities, the petitioner may be released from prison.

13. The application stands disposed of in the above terms.

**W.P.(CRL.) 789/2020**

14. The writ petition already stands disposed of *vidé* order dated 01.05.2020.

**ANUP JAIRAM BHAMBHANI, J.**

**JUNE 18, 2020**

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