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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(CRL) 1344/2020  
MAYA @ RAJNI ..... Petitioner

Through: Mr. Vibhas Kumar Jha, Advocate.  
versus  
STATE NCT OF DELHI ..... Respondent

Through: Mr. Chaitanya Gosain, Advocate for  
Mr. Rahul Mehra, Standing Counsel  
for the State.

**CORAM:**  
**HON'BLE MR. JUSTICE VIPIN SANGHI**  
**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

**28.08.2020**

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**Crl.M.A. No. 11827/2020**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(CRL) 1344/2020**

3. Issue notice. Mr. Gosain accepts notice on behalf of Mr. Rahul Mehra, learned Standing Counsel for the GNCTD.
4. This petition has been preferred by the petitioner to seek the quashing of the order dated 22.08.2020 passed by the learned MM, North: Rohini Court, Shri Mayank Goel. The petitioner also seeks immediate release of the petitioner from Central Jail, Tihar – where she has been kept in judicial custody upon being found guilty, convicted and sentenced by the learned MM. The petitioner also seeks a direction for taking action against the

learned MM for passing the impugned order – stated to have been in violation of the order dated 13.07.2020, passed by the Full Bench of this Court in *suo moto* proceedings, ***Court on its own motion v. State and Ors.***, W.P. (C) 3037/2020.

5. FIR No. 116/2008 was registered at PS, Model Town wherein the petitioner was named as the accused for the offence of theft of articles. The petitioner was convicted by the learned MM on 23.07.2020. On the same day she was sentenced to 3 years imprisonment. She was granted default bail under Section 389 Cr.P.C. for preferring an appeal within 30 days. The matter was kept by the learned MM for 22.08.2020. On 22.08.2020, the learned MM was informed that the petitioner convict has not filed any appeal against the impugned judgment and order on sentence dated 23.07.2020. Consequently, the learned MM directed that the petitioner be taken into custody and be sent to judicial custody. It is this order by which the petitioner is aggrieved.

6. The submission of the petitioner is that the said order – directing the petitioner to be taken into judicial custody is contrary to the order dated 13.07.2020, passed by the Full Bench of this Court in *suo moto* proceedings. In particular, reference has been made to paragraph 7 of the said order wherein this Court, inter alia, observed “*It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March, 2020.*”

7. The submission of the petitioner is that the petitioner was on bail throughout the trial and, consequently, by force of the said order passed by

the Full Bench of this Court, the petitioner could not have been taken into custody.

8. Mr. Gosain, who represents the State on behalf of Mr. Mehra, states that he has taken instructions and the respondents do not wish to contest this petition, and leave it to the Court to pass appropriate orders.

9. Having perused the order passed by the Full Bench of this Court on 13.07.2020 in W.P.(C) 3037/2020, it is clear to us that the learned MM was not correct in taking the petitioner into custody and the petitioner's case was squarely covered by the said order. We, therefore, quash the impugned order passed by the learned MM – directing the petitioner to be taken into judicial custody, and we direct that the petitioner be released on bail on compliance of the same terms and conditions on which the petitioner was initially released on bail at the time of her conviction. The petitioner would continue to enjoy the benefit of the order dated 13.07.2020, passed by the Full Bench of this Court till the said order continues to operate.

10. So far as the petitioner's prayer for taking action against the learned MM is concerned, we are not inclined to accept the petitioner's submission for the reason that there is nothing to show that the order of the Full Bench this Court, dated 13.07.2020 was brought to the notice of the learned MM when he passed the impugned order dated 22.08.2020.

11. We, therefore, dispose of this petition in the aforesaid terms.

**VIPIN SANGHI, J**

**RAJNISH BHATNAGAR, J**

**AUGUST 28, 2020**

*N. Khanna*