



WEB COPY



Crl.M.P.No.13792 of 2022

Crl.M.P.No.13792 of 2022
in
Crl.A.No.443 of 2013

M. NIRMAL KUMAR, J.

This petition has been filed to relax the condition imposed by this Court by its order dated 25.06.2013 in Crl.M.P.No.1 of 2013 in Crl.A.No.443 of 2013 that the petitioner shall appear before the learned Special Judge for CBI, Court No.I, Patiyala House Courts, Ganghat, New Delhi on the first working day of every alternative month at 10.30 a.m. until further orders.

2. The petitioner, who was arrayed as accused No.1 in C.C.No.5 of 2000 was convicted by the trial Court on 29.05.2013 and sentenced to undergo 6 months rigorous imprisonment for the offence under Section 120B of I.P.C. and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo 3 months simple imprisonment for the offence under Section 5(2) r/w 5(1)(d) of P.C. Act, against which, the accused No.1 had preferred an appeal in Crl.A.No.443 of 2013 along with a miscellaneous petition in M.P.No.1 of 2013 seeking Suspension of Sentence.

3. This Court, by order dated 25.06.2013, suspended the sentence of the petitioner with certain conditions. This Court, finding that the petitioner



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is an aged person and hailing from New Delhi, directed the petitioner to appear before the learned Special Judge for CBI, Court No.1, Patiyala House Courts, Ganghat, New Delhi on the first working day of every alternative Calendar Month at 10.30 a.m, until further orders.

4. Learned counsel for the petitioner submitted that the petitioner has been complying with the conditions from the year 2013. The petitioner is now 87 years old and is suffering from advanced stage of Alzheimer's and various health ailments. Hence, he finds it difficult to appear before the said Court on the first working day of every alternative month at 10.30 a.m. to comply with the condition. Hence, he prays to relax the condition imposed on 25.06.2013.

5. Learned Special Public Prosecutor appearing for the respondent submitted that the petitioner is complying with the condition without any deviation. Further, the petitioner's health condition is not seriously disputed by him.

6. Considering the facts and circumstances of the case and also



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considering the submission made by the learned Special Public Prosecutor that the petitioner is complying with the condition without any deviation, now the petitioner is suffering from advanced stage of Alzheimer's and various health ailments, the condition imposed on the petitioner to report before the learned Special Judge for CBI, Court No.1, Patiyala House Courts, Ganghat, New Delhi, is relaxed.

19.09.2022

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