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

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Date of decision: 18.04.2023

+ W.P.(C) 4852/2023

EX SEP SONVEER SINGH

..... Petitioner

Through: Mr. S.S. Pandey, Mr. Prashant Negi
and Mr. Nishant Pandey, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Neeraj, SPC with Mr. Sehaj,
Mr. Vedansh Anand and Mr. Rudra,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE TARA VITASTA GANJU

J U D G M E N T (oral)

CM APPL.18718/2023 (exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 4852/2023 & CrI.M.B. 553/2023

3. Vide the present petition, petitioner prays as under:
 - a. *To call for the records of the petitioner from the learned Armed Forces Tribunal on the basis of which suspension of sentence has been dismissed during pendency of OA(Appeal) in terms of impugned orders dated 31.10.2022 and 04.03.2022 and quash all orders.*
 - b. *To release the petitioner on bail by suspension of sentence*

and direct the learned Tribunal to the extent that the observations made in the impugned orders shall not be considered at the time of final disposal of the appeal filed by the petitioner.

4. It is not in dispute that petitioner has been convicted and sentenced to undergo RI for a period of 10 years for the offence punishable under Section 6 of the POCSO Act. Admittedly, as on date, petitioner has not even completed half of his sentence awarded.

5. Therefore, at this stage, keeping in view of serious allegations against the petitioner, we are not inclined to suspend the sentence of the petitioner awarded by the respondents, however, liberty is granted to the petitioner to file an application for suspension of sentence, on completion of nearly half of his sentence and if his petition is not decided by the learned Tribunal.

6. In view of above, petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(TARA VITASTA GANJU)
JUDGE

APRIL 18, 2023/ab