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

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Date of decision: 22nd May, 2023

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W.P.(C) 7017/2023, CM APPL. 27332-33/2023

ASST COMDT JAVED ALI

..... Petitioner

**Through: Mr. Ajit Kakkar and Mr. Ankit Negi,
Advocates**

versus

UNION OF INDIA AND ORS

.... Respondents

**Through: Mr. Neeraj, Senior Panel Counsel
with Mr. Vedansh Anand, GP, Mr.
Rudra Paliwal, Mr. Sahaj Garg and
Mr. Deepanshu Badiwal, Advocates
with Mr. Hemendra Singh, DC (Law),
BSF**

**CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

J U D G M E N T (oral)

1. Vide the present petition, petitioner is praying as under:

- “a) To Pass an order of suspension of sentence of the petitioner and direct the respondents for releasing the petitioner under the provisions of section 389 Cr.P.C.;*
- b) To direct the Respondents to provide the copies of GSFC proceedings of the Petitioner;*
- c) Alternatively, to direct the Respondent No. 2 to Dispose of the Petition filed under section 130 of BSF Act dated 08.05.2023, preferred on behalf of the Petitioner;*
- d) To grant two weeks' time to approach the court for suspension of sentence in case of rejection of petition of*

section 130 of BSF Act and no coercive action may be taken against petitioner;”

2. Learned counsel for respondents, who is appearing on advance notice, has assured this Court that pre-confirmation petition dated 11.04.2023 preferred by the petitioner shall be decided within four weeks.
3. Keeping in view the averments made in the present petition and the fact that the sentence awarded to petitioner is rigorous imprisonment for one year, therefore, we hereby direct the respondent concerned to decide the pre-confirmation petition dated 11.04.2023 within three weeks from today and thereafter, decide the application of petitioner for suspension of sentence dated 08.05.2023 within two weeks.
4. With the aforesaid directions, the present petition and pending applications stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 22, 2023/rk