

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-526 of 2016

Date of decision : January 18, 2016

Amit Bedi

...Petitioner...

versus

State of Haryana

...Respondent...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Chirag Wadhwa, Advocate,
for the petitioner.

Mr. Kamal Sharma, AAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J.

Through the instant petition preferred under Section 482 of the Code of Criminal Procedure, petitioner has sought setting aside/quashing of order dated February 07, 2015 (Annexure P-3) whereby Criminal Appeal No. 91 of 2014 preferred against conviction captioned as “**Amit Bedi v. State of Haryana**” in FIR No. 690, dated 19.09.2011, under Sections 406 and 420 IPC and Section 10 of Emigration Act, 1983, has been dismissed for want of prosecution.

2. Learned counsel for the petitioner has *inter alia* contended that appeal before Id. Sessions Judge, Karnal was preferred through legal aid counsel, who appeared on some of the

dates fixed before the Id. Sessions Judge, Karnal. Subsequent thereto, she was appointed as Deputy Advocate General, Haryana. Due to the said reason, learned counsel could not appear before the Sessions Court to pursue the appeal. Petitioner is also a convict and is stated to be serving out the sentence in District Jail, Karnal. But he was not summoned through production of warrants.

3. Even otherwise, it is pretty settled that an effort should be made to deal with and dispose of the criminal appeal in the absence of the appellant on merits. Either another amicus curiae should have been appointed by the Id. appellate court or grounds of the appeal and the evidence available on the lower court's record should have been weighed and examined. Thus, in such circumstances, impugned order whereby complaint was dismissed for want of prosecution is not sustainable in the eyes of law.

4. In the light of what has been discussed above, instant petition is allowed whereby order dated February 07, 2015 (Annexure P-3) is set aside. Consequently, Id. Additional Sessions Judge, Karnal is directed to take up the appeal registered at its original number by securing the presence of appellant, who is stated to be in District Jail, Karnal and then dispose of the same in accordance with law.

January 18, 2016
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(JASPAL SINGH)
JUDGE