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

+ CRL.REV.P. 87/2016 & Crl.M.B. No.229/2016, Crl.M.A.
No.1986/2016

INDER RAJ SINGH Petitioner

Through Mr.Shiv Chopra, Adv. with
Ms.Megha, Adv.

versus

GURPREET SINGH Respondent

Through Ms.Manjeet Arya, APP for the State.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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10.03.2016

The present revision petition has been filed by the petitioner against the order of the Court of Session dated 21st July, 2012 whereby the learned Additional Sessions Judge, on account of the absence of the appellant, after issuance of non-bailable warrants, dismissed the appeal on the ground of non-prosecution.

The only grouse of the petitioner is that he did not have the opportunity of hearing before the dismissal of the appeal whereas the learned APP for the State has submitted that the non-bailable warrants were already issued even before the decision of the appeal and the petitioner was not available in Court and even subsequently, after the proceedings under Section 82 of the Code of Criminal Procedure, the petitioner was apprehended on 29th August, 2015.

I have heard learned counsel for the parties at length and perused the available records. This Court is of the considered opinion that it would be appropriate if the learned Additional Sessions Judge give the opportunity of hearing to the accused.

In view of the same, the order dated 21st July, 2012 is, hereby, set aside and C.A. No.130/11 is restored to its original position as on 21st July, 2012.

The learned Additional Sessions Judge is directed to hear the appellant and pass a fresh order.

With the above observation, the present revision petition is disposed of.

It is made clear that as on 21st July, 2012, there was non-bailable warrants already against the petitioner so he shall remain in jail till the order of release is passed by the learned Additional Sessions Judge.

Let a copy of this order be sent to the concerned Superintendent, Jail.

P.S.TEJI, J

MARCH 10, 2016

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