

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 39 of 2017

Virendra Shahare, S/o. Ghanaram, Aged About 23 Years, R/o. Harampara,
Geedam, Police Station- Geedam, District- Dantewada, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Forest Range Office, Geedam,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Shashi Bhushan Tiwari, Advocate

For Respondent : Mr. S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.04.2017

Heard on I.A.No.2/2017, application for exemption of non-
appearance of the applicant before the Registry of this Court on
16.03.2017.

On due consideration and for the reasons stated in the application,
the application is allowed.

Heard on merits.

1. It appears that the applicant was convicted by an order dated
15.12.2015 and against such conviction, an appeal was preferred
by the applicant before the Court of First Additional Sessions
Judge, South Bastar, Dantewada. On 14.12.2016, the applicant or
his counsel was absent. Consequently, the appeal was dismissed
on merit along-with the fact that the State respondent has not
been noticed and no steps have been taken to notice the
respondent. Therefore, this revision.

2. Perusal of the order dated 14.12.2016 would show that the applicant or his counsel was absent, therefore, the appeal was dismissed. Perusal of the record would show that the applicant was convicted by the Court of C.J.M., against which an appeal was preferred. The order sheet of the Court below would show that the applicant was represented through his counsel on different dates. On 14.12.2016 the applicant or his counsel was absent, as such, the appeal was dismissed.
3. Considering the facts of this case, it appears that the appeal was not decided on merits. Taking into such fact, one opportunity is provided to the applicant to press his case on merits so that the adjudication of the case can be affected.
4. Considering the entire facts of this case, the revision is allowed. The order of the appellate Court dated 14.12.2016 is set aside. The applicant shall appear through his counsel before the appellate Court on 12.06.2017 and the appellate Court shall oblige to decide the case on merit.

Sd/-
(Goutam Bhaduri)
Judge