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

+ CRL.A. No.336/2001

GANESH SINGH & PUSHPENDER @PA Petitioner
Through None.

versus

STATE Respondent
Through Mr.Ashish Dutta, APP for the State.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **06.02.2017**

The present appeal under Section 374 (2) of the Code of Criminal Procedure, 1973, had been filed by the appellants against the judgment and order dated 20th April, 2001 passed by Additional Sessions Judge, New Delhi, in a case arising out of FIR No.90/94 registered by Police Station Okhla Industrial Area, convicting the appellants and sentencing them for the offence under Section 307/34 of the Indian Penal Code & Sections 25/54/59 of the Arms Act.

Perusal of the record shows that vide order dated 22nd May, 2001, the appeal was admitted. Thereafter, vide order dated 17th July, 2001, this court declined to suspend the substantive sentence of imprisonment awarded to the appellants at that stage and the application for suspension of sentence was dismissed. Thereafter, notice was issued and nominal roll of the appellants were called for.

Vide order dated 11th December, 2001, the substantive sentence of imprisonment of the appellants was suspended.

Thereafter, vide orders dated 10th November, 2009 & 2nd July, 2010, bailable warrants were issued against the appellants for securing their appearance. On 20th May, 2013, court notices were issued to counsel for the appellants as well as surety. On 3rd December, 2013, bailable warrants were again issued against the appellants and court notice was issued to counsel for the appellants. On 18th February, 2014, counsel for the appellants appeared and the matter was directed to be listed in the category of “Regular Matters”. Thereafter, none appeared on behalf of the appellants when the matter was listed on 10th May, 2016; 15th November, 2016; 25th November, 2016; 7th December, 2016 & 16th December, 2016. None has appeared on behalf of the appellants even today.

It is, therefore, clear that the appellants are not interested in prosecution of the present appeal.

In view of the above, the present appeal is dismissed for non-prosecution.

The order dated 11th December, 2001 suspending the sentence of the appellants, is hereby vacated.

P.S.TEJI, J

FEBRUARY 06, 2017/aa