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

+ CRL.A. No.514/2001

RAM CHANDER Appellant
Through None.

versus

STATE Respondent
Through Mr.Sudershan Joon, App for the
State.

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

ORDER
% **09.02.2017**

None has appeared on behalf of the appellant when the matter is called out today. Perusal of the records shows that none had appeared on behalf of the appellant on 16th November, 2016 & 28th November, 2016 when court notices were issued to counsel for the appellant. The same was the position on 16th December, 2016 when none had appeared on behalf of the appellant.

It appears that the appellant is not interested in pursuing this appeal. In such like matters, it is noticed that the routine is to file an appeal, apply and be enlarged on bail and thereafter to become untraceable. Such like situation has been dealt by a Division Bench of this Court in ***Mukesh vs. State 152 (2008) DLT 201 (DB)*** in which the pertinent observations made are as given below:-

“In most cases the interests of a convict may not be

adequately safeguarded by the appointment of Advocates in legal aid schemes or by amicus curiae. The appellant would be satisfied only if his appeal is argued by an advocate of his choice. On the other hand, a party which chooses not to participate in the hearing of his appeal, can scarcely complain of violations of his fundamental right to remonstrate against the curtailment of his personal freedom. A convict cannot abuse the process and defeat criminal justice.”

Aforesaid observations in *Mukesh (Supra)*, would aptly apply to the instant case. Since none is appearing on behalf of appellant despite sufficient opportunities given, consequently, the present appeal is dismissed for non-prosecution. Bail bonds of the appellant stand forfeited. Trial Court is directed to ensure that appellant is taken into custody to serve out the unexpired sentence.

The appeal is, accordingly, disposed of.

P.S.TEJI, J

FEBRUARY 09, 2017/aa