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

+ CRL.A. 820/2001

NIHAL SINGH

..... Appellant

Through Nemo.

versus

STATE N.C.T. OF DELHI

..... Respondent

Through Mr.Panna Lal Sharma, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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07.03.2017

None has appeared on behalf of the appellant when the matter is called out today. Perusal of the last order i.e. 22nd February, 2017 shows that none had appeared on behalf of the appellant on that date. Perusal of the record further shows that none had appeared on behalf of the appellant on 26th February, 2014 whenailable warrants were issued for securing the presence of the appellant and on the next date i.e. 6th May, 2014, appellant was represented by a counsel.

It, therefore, 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

MARCH 07, 2017/aa