

\$~R-55

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 887/2001
RAJA RAM

..... Appellant

Through: None.

versus

STATE

..... Respondent

Through: Mr. Panna Lal Sharma, Additional
Public Prosecutor for the State

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

ORDER
% **10.03.2017**

None appeared on behalf of the appellant.

Perusal of the order sheet reveals that on the very first date, i.e. 29.11.2001 the sentence of the appellant was suspended. Thereafter, the appeal came up for hearing on 29.09.2010, when nobody appeared on behalf of the appellant and bailable warrants against the appellant in the sum of Rs.10,000/- were ordered to be issued for securing his presence on 16.03.2011. On 16.03.2011, the appellant was present in court and gave his undertaking that as and when the appeal is taken up for hearing, he and his counsel will be present.

Again, the appeal came up for hearing before this court on 26.02.2014, when nobody appeared on behalf of the appellant and bailable warrants were directed to be issued for securing presence of

the appellant on 15.05.2014. On 21.05.2014, none appeared on behalf of the appellant but Mr. Ravi Nayak, Additional Public Prosecutor for the State submitted that he would be informing Mr. A.C. David, Advocate about the next date of hearing in this appeal.

The matter has again come up for hearing today and nobody is appearing on behalf of the appellant.

From the aforesaid circumstances, it appears that the appellant is not interested in pursuing this appeal. This court further observes that 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 10, 2017

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