

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S No.319-SB of 2005 (O&M)

Date of decision: 27.09.2018

Javed Ahmad Sofi and another

....Appellants

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P.S. Mann, Advocate
for the appellants.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Counsel for the appellants has submitted that on 13.08.2018, the following order was passed by this Court:-

“Learned State counsel has filed custody certificate of both the appellants. Learned State counsel submits that both the appellants were released on parole and appellant No. 1 Javed Ahmad had absconded on 12.11.2005 and appellant No. 2 Ansar Ahmad absconded on 22.11.2005 and they have not surrendered before the jail authorities after availing the parole period.

List again on 27.09.2018 for arguments.”

Counsel for the State has submitted that till date, the appellants have not surrendered before the Jail Authorities and he has relied upon the order dated 18.05.2018 passed by the Hon'ble Division Bench in Criminal Appeal No.D-1035-DB of 2013, which reads as under:-

“Learned counsel for the appellant submitted that he has no instructions from the appellant to appear in the appeal. He may be permitted to withdraw his power of

attorney.

Ordered accordingly.

Custody certificate of the accused dated 17.05.2018 produced by the learned State counsel in Court is taken on record.

The appellant in the present case was convicted under Sections 376(2)(c), 376(2)(f) and 506 IPC and sentenced to undergo imprisonment for life. Fine of Rs.4,10,000/- was also imposed. The charge proved against the appellant was that he had sexually exploited minor girls aged 9, 11 and 12 years respectively under the garb of running a NGO for destitute children. The appeal was admitted on 11.09.2013. The appellant was granted parole for four weeks on 13.05.2017 on the ground that he was to get his children admitted in school. He was to surrender in jail on 11.06.2017 but has absconded thereafter. In such cases the authorities should have been careful in granting parole.

Be that as it may, as the appellant has failed to surrender after he was released on parole for nearly one year, we do not deem it appropriate to hear the appeal on merits. The same is accordingly dismissed. However, liberty is granted to the appellant to get the same revived in case he surrenders back. The State is directed to make earnest efforts to arrest the appellant.”

In view of the above, the appeal is accordingly dismissed.

However, liberty is granted to the appellants to get the present appeal revive in case they surrender back before the Jail Authorities.

(ARVIND SINGH SANGWAN)
JUDGE

27.09.2018

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No