

Crl.A.No.618/2010

A.D.JAGADISH CHANDIRA, J.,

The above criminal appeal is posted under the caption "for being mentioned" today, at the instance of the learned counsel for the appellants/accused.

2 The learned Special Public Prosecutor appearing for the respondent/State has filed a Memo dated 28.08.2019 before this Court today stating that pending appeal, the appellants/accused have been granted suspension of sentence and they have been released on bail on imposition of condition. Subsequently, the appellants/accused have not complied with the condition imposed and that they have absconded and he would pray that appropriate orders may be passed cancelling the bail bond and a direction may be issued to the trial Court to issue NBW for securing the appellants/accused. He would further submit that the 1st appellant Shri.Mohamed Shiyam S/o.Mohamed Sahajahan, is a resident of Colombo, Srilanka and the 2nd appellant Shri Babulal Chauhan, S/o. Basantialji Chauhan is the resident of Takiakabad, Phakir Mohalla, Melkeda Village in Madhya Pradesh and thereby, would seek for a direction to the learned Trial Judge to issue NBW to the 1st Accused to be executed through the Narcotics Wing of Sri Lanka through the High Commission of Sri Lanka, and the NBW to the 2nd Accused to be issued to the Directorate of Revenue Intelligence Madhya Pradesh to be executed through the Director General of Police, Madhya Pradesh.

A.D.JAGADISH CHANDIRA, J.,

jrs

3 Taking note of the above submissions, paragraph No.38 of the Judgment dated 26.08.2019 is modified as follows:-

"38.It is reported that the appellants / A-1 and A-2 are on bail pursuant to suspension of sentence and that they and are absconding. Hence, the bail bonds executed by them, are cancelled and the Trial Court is directed to issue NBW against the appellants/accused to be executed through the Appropriate Authority to secure their presence so as to undergo the remaining period of sentence. The period of sentence undergone by them is given set off."

4 The Registry is directed to replace the above paragraph in the place of paragraph No.38 in the judgment dated 26.08.2019 and re-issue fresh order copy to the parties concerned subject to payment of necessary charges.

सत्यमेव जयते

29.08.2019

jrs

WEB COPY

Crl.A.No.618/2010