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

+ CRL.A. 601/2002

RAJ BIR & ORS.

..... Appellants

Through: None.

versus

THE STATE (GOVT. OF NCT DELHI)

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State with
SI Mahavir singh, PS Sangam Vihar.**CORAM:****HON'BLE MR. JUSTICE R.K.GAUBA****ORDER**

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22.02.2019

Non-bailable warrants against first and second appellants have been returned unexecuted with report that they have not been found residing at the given addresses from where they have been missing from the last 15 years. Notice to surety of first appellant has been returned with report that he has expired. The surety of second appellant had deposited the surety amount on 23.09.2015, he having failed to produce the appellant against whom warrant had been issued but returned unexecuted. It is noted that these appellants have not been traced inspite of duress processes having been issued several times.

Against this backdrop, the course adopted by the division benches of this Court in *Mukesh vs. State* 2008 SCC Online Del 877 and *Kamlesh vs. State* 2009 SCC Online Del 3729 commends itself to be followed. Since the appellants, who were enlarged on bail, are deliberately keeping themselves

away not prosecuting the appeal, it being rendered manifestly an abuse of the process of the court, the appeal is dismissed. Coercive steps will continue against the appellants to ensure that their presence is secured so that they are taken in custody to serve the remaining sentence.

R.K.GAUBA, J

FEBRUARY 22, 2019
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