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

+ CRL.A. 727/2002

SHANTI DEVI

..... Appellant

Through None

versus

STATE

..... Respondent

Through Mr.Kewal Singh Ahuja, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.03.2019

The appellant was held guilty and convicted by judgment dated 30.07.2002 of the Court of Sessions in Sessions case No.13/99 arising out of FIR No.1087/96 of PS Paschim Vihar on a charge for offences under Section 489B/420 IPC. By order dated 02.09.2002 the Trial Judge awarded rigorous imprisonment for a period of three years with a fine of Rs.1,000/- for the offence under Section 489-B IPC and rigorous imprisonment for a period of one year with a fine of Rs.500/- for the offence under Section 420 IPC.

The present appeal was preferred by the said convict in September, 2002, the substantive sentence having been suspended and she being released on bail during the pendency of the appeal by order dated 19.09.2002. By the same order, the appeal was admitted and directed to be taken up for final hearing from the category of regulars.

When the appeal came up for hearing on 30.04.2014, none appeared for the appellant. This led to bailable warrants being

issued against her. The warrants remained unexecuted. On 02.12.2014, when the appeal came up, a counsel did appear on her behalf, but the matter could not be taken up for hearing. Thereafter, on 27.03.2015, when the appeal again came up before the court, there was no appearance. This led to fresh bailable warrants being issued against her with notice to her surety. The bailable warrants returned unexecuted with report that there was none residing at the given address, the surety having expired in 2002.

The appeal remained pending and came up for hearing on 18.01.2019 and due to continued default, non-bailable warrant was issued against the appellant. The said non-bailable has been returned unexecuted re-confirming that the appellant has given up residence at the given address and she cannot be traced out.

Against the 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 De 3729 commends itself to be followed. Since the appellant, who was enlarged on bail, is deliberately keeping herself 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 appellant to ensure that her presence is secured so that she is taken in custody to serve the remaining sentence as ordered by the trial court by its judgment dated 30.07.2002 and order on sentence dated 24.08.2004.

Appeal is dismissed.

R.K.GAUBA, J

MARCH 12, 2019/da

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