

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.630 of 2020

- Kaushal Singh S/o Chhakkela Gond Aged About 35 Years Resident Of Kodgar, Police Station- Passan, Tahsil- Katghora, District- Korba, Chhattisgarh

---- Petitioners

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Passan, District- Korba, Chhattisgarh

---- Respondent

For Petitioner	: Mr. S.R.J. Jaiswal, Advocate.
For Respondent	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-09-2020

Heard.

1. This Criminal Revision has been filed being aggrieved by the order dated 23.06.2016 passed by the Additional Sessions Judge, Katghora, District- Korba, C.G. in Criminal Appeal No.18/2009, dismissing the appeal filed by the applicant under Section 374 of Cr.P.C.
2. On perusal of the copy of order sheet filed along with the petition, it is found that the appeal against conviction filed by the applicant was admitted for hearing and then because of the absconsion of the applicant, the appeal has been dismissed in default.
3. The Chapter 29 of Code of Criminal Procedure is specifically dealing with the filing of appeals and the disposal of the same by the appellate Courts. There is no such provision in this Chapter according to which,

any appeal which has been filed and admitted could be dismissed in default due to non-appearance of the appellant. Therefore, the order passed is basically contrary to the law as codified in the Cr.P.C. Therefore, such order is not sustainable. The Criminal Revision is allowed at the motion stage, the impugned order is set aside and the appeal is restored. The case is remanded back to the Court of Additional Sessions Judge, Katghora with a direction to give opportunity of hearing to the applicant and the State deciding the appeal in accordance with law. The applicant is at liberty to file application for suspension of sentence and grant of bail before the appellate Court.

4. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge