IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 184 of 2026
Reserved on: 26.10.2026
Date of Decision: 05.11.2026.

Dev Kumar ...Petitioner

Versus

Durga Prasad ...Respondent

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] *No*

For the Petitioner : Mr H.S. Rangra, Advocate.
For the Respondent : Mr R.K. Sharma, Senior Advocate with Mr Arun Kumar, Advocate.

Rakesh Kainthla, Judge

The present revision is directed against the judgment dated 23.02.2026 passed by learned Sessions Judge, Mandi (learned Appellate Court) vide which the judgment of conviction dated 24.04.2025 and order of sentence dated 26.04.2025 passed by learned Chief Judicial Magistrate, Mandi, District Mandi (learned Trial Court) were upheld. *(The parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience.)*

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

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2. Briefly stated, the facts giving rise to the present revision are that the complainant filed a complaint before the learned Trial Court against the accused for the commission of an offence punishable under Section 138 of the Negotiable Instruments (NI Act). It was asserted that the accused issued a cheque of ₹1,00,000/- in the complainant's favour to discharge the legal liability. The complainant presented the cheque before the bank, but it was dishonoured with an endorsement “funds insufficient”. The complainant issued a legal notice to the accused, which was duly served upon him. However, the accused failed to repay the money. Hence, the complaint was filed before the learned Trial Court for taking action against the accused as per the law.

3. The learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, a notice of accusation was put to him for the commission of an offence punishable under Section 138 of the NI Act, to which he pleaded not guilty and claimed to be tried.

4. The complainant examined himself to prove his complaint.

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5. The accused, in his statement recorded under Section 313 of the Code of Criminal Procedure (Cr.P.C.), denied the complaint's case in its entirety. No evidence was produced by the accused.

6. Learned Trial Court held that the complainant's version that the accused had issued the cheque to discharge the debt was proved on record. A presumption would arise that the cheque was issued for consideration to discharge the debt/liability. The accused failed to rebut the presumption. The cheque was dishonoured with an endorsement “insufficient funds”, and the accused failed to repay the money despite the receipt of legal notice of demand. All the ingredients of the commission of an offence punishable under Section 138 of the NI Act were duly satisfied. Hence, the learned Trial Court convicted the accused of the commission of an offence punishable under Section 138 of the NI Act and sentenced him to undergo simple imprisonment for 1 year, pay compensation of ₹1,50,000/- and, in default of payment of compensation, to undergo simple imprisonment for three months.

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7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused filed an appeal which was decided by the learned Sessions Judge, Mandi (learned Appellate Court). The record shows that the matter was listed for arguments on 22.01.2026 when none appeared for the appellant, and the respondent appeared in person. The matter was adjourned for 16.02.2026, on which date again none appeared for the appellant and learned counsel appeared on behalf of the respondent. The learned Appellate Court reserved the judgment after hearing the arguments on behalf of the respondent and dismissed the appeal.

8. Being aggrieved by the judgments and order passed by the learned Courts below, the accused has filed the present revision.

9. I have heard Mr H.S. Rangra, learned counsel for the petitioner/accused, and Mr R.K. Sharma, learned Senior Advocate, assisted by Mr Arun Kumar, learned counsel for the respondent.

10. Mr H.S. Rangra, learned counsel for the petitioner/accused, submitted that the learned Appellate Court

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erred in hearing the arguments in the absence of the accused. A legal aid counsel should have been appointed to represent the accused. Therefore, he prayed that the present revision be allowed and the judgment passed by the learned Appellate Court be set aside.

11. Mr R.K. Sharma, learned Senior Advocate for the respondent/complainant, submitted that the accused had not appeared before the learned Appellate Court on 22.01.2026 and the Court had adjourned the matter for hearing to 16.02.2026. However, none had appeared on behalf of the accused on that day as well. Hence, the learned Appellate Court had no option but to proceed further as per the law. There is no infirmity in the procedure adopted by the learned Appellate Court. Therefore, he prayed that the present revision be dismissed.

12. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

13. It was laid down by the Hon'ble Supreme Court in ***Kuntegowda v. Thurubaiah, 2026 SCC OnLine SC 1485,*** that a revisional court does not act as an appellate court and it can only

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determine the correctness, legality and propriety of the findings and sentence recorded by the lower court. It was observed: -

> "**7.** Before parting, we would like to accentuate the revisional jurisdiction of the High Courts and the contours and inherent limits while exercising powers as a revisional authority. Section 397 of the Criminal Procedure Code, 1973 (now, Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023) encapsulates the power of High Courts and Sessions Courts to examine the correctness, legality or propriety of any order passed by an inferior criminal court. The said Section is extracted as hereunder:
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> > "**438. Calling for records to exercise powers of revision.**—(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on his own bond or bail bond pending the examination of the record.
> >
> > *Explanation.* —All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this subsection and of section 439.
> >
> > (2) The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.
> >
> > (3) If an application under this section has been made by any person either to the High Court or to the

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Sessions Judge, no further application by the same person shall be entertained by the other of them."

Discretion in the exercise of revisional jurisdiction should be exercised within the four corners of this section whenever there has been miscarriage of justice. However, while exercising power under this section, the Court does not act as an appellate Court and therefore, while considering the legality, propriety or the correctness of a finding or a conclusion, the revisional court does not and should not dwell upon the facts and the evidence of the case as an appellate Court. The court, in revision, considers the material only to satisfy itself about the correctness, legality and propriety of the findings, sentence and order recorded by the lower court, and should refrain from substituting its conclusion on an elaborate consideration of evidence, and the findings of the lower courts should not be reversed merely on the ground that an alternative view is possible on the facts of the case. In this case, such a position did not also emanate from the evidence on record.

7.1. This Court, in the ***State of Maharashtra v. Jagmohan Singh Kuldip Singh Anand, (2004) 7 SCC 659: 2004 SCC (Cri) 2003,*** observed that the High Court, in exercise of its revisional jurisdiction, cannot embark upon an in-depth roving re-examination of the oral evidence and medical evidence and come to a conclusion contrary to the consistent one reached by two courts below. In the facts of the present case, in the impugned judgment, the High Court gravely erred in upsetting the concurrent findings of conviction of the trial court and the Appellate Court by substituting its own conclusions and reasoning on the merits of the case and thereby erred in setting aside the well-reasoned and correct judgment and orders of the trial and appellate courts.

7.2. Upon perusal of the impugned judgment and order dated 06.10.2023, it is apparent that the High Court went into great detail into each of the testimonies, documents and merits of the case, which could have been avoided,

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especially when the subject matter had come under its revisional jurisdiction. Instead, acting as an appellate Court, the High Court deemed it fit to go into the merits of the case, something which is generally impermissible unless a glaring contradiction is apparent on the face of the record. In ***State of Kerala v. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452: 1999 SCC (Cri) 275***, while considering the scope of the revisional jurisdiction of the High Court, this Court has laid down the following:

> "5. ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting a miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to a gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation in coming to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the Respondent by reappreciating the oral evidence. ..."

7.3. The contours for exercise of revisional jurisdiction have been well settled by the judicial dicta of this Court wherein time and again it has been observed that the High Court shall not interfere with the orders of the lower court unless:

i. The order or finding of the lower court is perverse, grossly erroneous, glaringly unreasonable or wholly unreliable or untenable in law.

ii. The lower court has passed the impugned order after considering immaterial or irrelevant material or no material at all.

iii. There is a non-consideration of any relevant material or the judicial discretion has been exercised arbitrarily or capriciously.

7.4. This Court, in ***Sanjabij Tari v. Kishore S. Borcar, 2025 INSC 1158,*** in similar facts and circumstances wherein the High Court had reversed concurrent findings of conviction under Section 138 of NI Act, while setting aside the impugned order, observed as under:

> "27. It is well settled that in exercise of revisional jurisdiction, the High Court does not, in the absence of perversity, upset concurrent factual findings. This Court is of the view that it is not for the Revisional Court to reanalyse and re-interpret the evidence on record. As held by this Court in ***Southern Sales & Services v. Sauermilch Design and Handels GMBH, (2008) 14 SCC 457***, it is a well-established principle of law that the Revisional Court will not interfere, even if a wrong order is passed by a Court having jurisdiction, in the absence of a jurisdictional error.
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> 28. Consequently, this Court is of the view that in the absence of perversity, it was not open to the High Court in the present case, in revisional jurisdiction, to upset the concurrent findings of the Trial Court and the Sessions Court."

7.5. In the facts of the present case, we find that the High Court has failed to highlight any reason or material satisfaction to the effect that there was any such glaring contradiction or perversity apparent on the face of the record so as to justify the exercise of the powers under revisional jurisdiction and thereby erred in interfering with the judgment and orders of the courts below.

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> Therefore, the present appeal has to be allowed by setting aside the impugned order of the High Court. In view of the aforesaid discussion, we are of the view that the High Court committed an error in setting aside the order of conviction in exercise of revisional jurisdiction. No sufficient ground has been mentioned by the High Court in its judgment to enable it to exercise its revisional jurisdiction for setting aside the conviction.

14. The ingredients of the commission of an offence punishable under Section 138 of the NI Act were explained in ***Kuntegowda (supra)*** as under:

> **5.3.** At this juncture, it is pertinent to highlight the key ingredients as highlighted by this Court in the case of ***Kusum Ingots & Alloys Ltd. v. Pennar Peterson Securities Ltd., (2000) 2 SCC 745; 2000 SCC (Cri) 546: (2000) 100 COMP CAS 755.***
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> "10. On a reading of the provisions of Section 138 of the NI Act, it is clear that the ingredients which are to be satisfied for making out a case under the provision are:
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> (i) a person must have drawn a cheque on an account maintained by him in a bank for payment of a certain amount of money to another person out of that account for the discharge of any debt or other liability;
>
> (ii) that cheque has been presented to the bank within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier;
>
> (iii) that cheque is returned by the bank unpaid, either because the amount of money standing to the credit of the account is insufficient to honour the cheque or that it exceeds the amount

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arranged to be paid from that account by an agreement made with the bank;

(iv) the payee or the holder in due course of the cheque makes a demand for the payment of the said amount of money by giving a notice in writing to the drawer of the cheque, within 15 days of the receipt of information by him from the bank regarding the return of the cheque as unpaid;

(v) the drawer of such cheque fails to make payment of the said amount of money to the payee or the holder in due course of the cheque within 15 days of the receipt of the said notice.

11. If the aforementioned ingredients are satisfied, then the person who has drawn the cheque shall be deemed to have committed an offence. In the explanation to the section, clarification is made that the phrase "debt or other liability" means a legally enforceable debt or other liability.

5.4. The ingredients of the offence under Section 138 are as follows:

i. The drawing of a cheque by a person on an account maintained by him with the banker for the payment of any amount of money to another from that account.

ii. The cheque being drawn for the discharge in whole or in part of any debt or other liability.

iii. Presentation of the cheque to the bank within the period of six months or within the period of its validity.

iv. The return of the cheque by the drawee bank as unpaid either because the amount of money standing to the credit of that account is insufficient to honour the cheque or because it exceeds the amount arranged to be paid from that account.

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v. A notice by the payee or the holder in due course making a demand for the payment of the amount to the drawer of the cheque within thirty days of the receipt of information from the bank in regard to the return of the cheque.

vi. Failure of the drawer of the cheque to make payment of the amount of money to the payee or the holder in due course within fifteen days of the receipt of the notice.

vii. Filing of the complaint within a month from the date of expiry of the grace period of fifteen days before a Metropolitan Magistrate or a Judicial Magistrate not below first class.

15. The present revision has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

16. The record shows that the matter was listed for hearing the arguments. However, none had appeared on behalf of the petitioner/accused. The learned Trial Court heard the arguments on behalf of the complainant and proceeded to decide the matter. This was impermissible. It was laid down by the Hon'ble Supreme Court in ***Mohd. Sukur Ali v. State of Assam*, *(2011) 4 SCC 729***, that if the counsel of the accused does not appear, the Court should not decide the case against him in the absence of the counsel because the accused should not suffer for the fault of the counsel. The Court should appoint an *amicus curiae* and should hear him. It was observed: -

"**5.** We are of the opinion that even assuming that the counsel for the accused does not appear because of the counsel's negligence or deliberately, even then the court should not decide a criminal case against the accused in the absence of his counsel since an accused in a criminal case should not suffer for the fault of his counsel and in such a situation the court should appoint another counsel as amicus curiae to defend the accused. This is because the liberty of a person is the most important feature of our Constitution. Article 21, which guarantees protection of life and personal liberty, is the most important fundamental right among the fundamental rights guaranteed by the Constitution. Article 21 can be said to be the "heart and soul" of fundamental rights.

6. In our opinion, a criminal case should not be decided against the accused in the absence of counsel. We are fortified in the view we are taking by a decision of the US Supreme Court in ***Powell v. Alabama [77 L Ed 158: 287 US 45 (1932)]***, in which it was observed: (L Ed pp. 170-71)

> "What, then, does a hearing include? Historically and in practice, in our own country at least, it has always included the right to the aid of counsel when desired and provided by the party asserting the right. The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has little or no skill in the science of law. If charged with a crime, he is generally incapable of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel, he may be put on trial without a proper charge and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge to adequately prepare his defence, even though he has a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how

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> to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect. If in any case, civil or criminal, a State or Federal Court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense."

The above decision of the US Supreme Court was cited with approval by this Court in ***A.S. Mohammed Rafi v. State of T.N. [(2011) 1 SCC 688 : (2011) 1 SCC (Cri) 509: AIR 2011 SC 308]*** vide para 24.

7. A similar view which we are taking here was also taken by this Court in ***Man Singh v. State of M.P. [(2008) 9 SCC 542 : (2008) 3 SCC (Cri) 828]*** and in ***Bapu Limbaji Kamble v. State of Maharashtra [(2005) 11 SCC 413: (2006) 1 SCC (Cri) 778]***.

8. In this connection, we may also refer to Articles 21 and 22(1) of the Constitution. Articles 21 and Articles 22(1) are as under:

> "**21.** ***Protection of life and personal liberty***.—No person shall be deprived of his life or personal liberty except according to procedure established by law.
>
> ***
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> **22.** ***Protection against arrest and detention in certain cases***.—(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor *shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice*."(emphasis supplied)

9. In ***Maneka Gandhi v. Union of India [(1978) 1 SCC 248: AIR 1978 SCC 597]***, it has been held by a Constitution Bench of this Court that the procedure for depriving a person of his life or liberty should be fair, reasonable and just. We are of the opinion that it is not fair or just that a criminal case should be decided against an accused in the absence of

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counsel. It is only a lawyer who is conversant with the law who can properly defend an accused in a criminal case. Hence, in our opinion, if a criminal case (whether a trial or appeal/revision) is decided against an accused in the absence of counsel, there will be a violation of Article 21 of the Constitution.

10. The right to appear through counsel has existed in England for over three centuries. In ancient Rome, there were great lawyers, e.g. Cicero, Scaevola, Crassus, etc., who defended the accused. In fact, the higher the human race has progressed in civilisation, the clearer and stronger that right has appeared, and the more firmly has it been held and asserted. Even in the Nuremberg trials, the Nazi war criminals, responsible for killing millions of persons, were yet provided counsel. Therefore, when we say that the accused should be provided counsel, we are not bringing into existence a new principle but simply recognising what already existed and which civilised people have long enjoyed.

11. Apart from the above, we agree with the eminent jurist Seervai, who has said in his ***Constitutional Law of India, 3rd Edn., Vol. I, p. 857***:

> "The right to be defended by counsel does not appear to have been stressed and was clearly not considered in any detail, in ***Ajaib Singh case [State of Punjab v. Ajaib Singh, (1952) 2 SCC 421: AIR 1953 SC 10: 1953 Cri LJ 180: 1953 SCR 254]***. But the right of a person accused of an offence, or against whom any proceedings were taken under the CrPC, is a valuable right which was recognised by Section 340 CrPC. Article 22(1), on its language, makes that right a constitutional right, and unless there are compelling reasons, Article 22(1) ought not to be cut down by judicial construction. ... It is submitted that Article 22(1) makes the statutory right under Section 340 CrPC a constitutional right in respect of criminal or quasi-criminal proceedings."

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12. We are fully in agreement with Mr Seervai regarding his above observations. The Founding Fathers of our Constitution were themselves freedom fighters who had seen the civil liberties of our people trampled under foreign rule, and who had themselves been incarcerated for a long period under the formula "Na vakeel, na daleel, na appeal" (No lawyer, no hearing, no appeal). Many of them were lawyers by profession and knew the importance of counsel, particularly in criminal cases. It was for this reason that they provided for assistance by counsel under Article 22(1), and that provision must be given the widest construction to effectuate the intention of the Founding Fathers.

13. In this connection, we may also refer to the ringing speech of Rt. Hon'ble Srinivasa Sastri, speaking in the Imperial Legislative Council, at the introduction of the Rowlatt Bill, 7-2-1919 (the Rowlatt Act prohibited counsel to appear for the accused in cases under the Act):

> "When the Government undertakes a repressive policy, the innocent are not safe. Men like me would not be considered innocent. The innocent then is he who forswears politics, who takes no part in the public movements of the times, who retires into his house, mumbles his prayers, pays his taxes, and salaams all the government officials all around. The man who interferes in politics, the man who goes about collecting money for any public purpose, the man who addresses a public meeting, then becomes a suspect. I am always on the borderland, and I, therefore, for personal reasons, if for nothing else, undertake to say that the possession, in the hands of the executive, of powers of this drastic nature will not hurt only the wicked. It will hurt the good as well as the bad, and there will be such a lowering of public spirit, there will be such a lowering of the political tone in the country, that all your talk of responsible Government will be mere mockery....
>
> Much better that a few rascals should walk abroad than that the honest man should be obliged for fear of the law

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> of the land to remain shut up in his house, to refrain from the activities which it is in his nature to indulge in, to abstain from all political and public work merely because there is a dreadful law in the land."

14. In ***Gideon* v. *Wainwright*** [***9 L Ed 2d 799: 372 US 335 (1962)***], Mr Hugo Black, J. of the US Supreme Court, delivering the unanimous judgment of the Court, observed: (L Ed p. 805)

> "... lawyers in criminal courts are necessities, not luxuries."

15. In ***Brewer v. Williams [51 L Ed 2d 424: 430 US 387 (1976)]***, Mr Stewart, J., delivering the opinion of the US Supreme Court, observed: (L Ed p. 441)

> "The pressures on state executive and judicial officers charged with the administration of the criminal law are great.... But it is precisely the predictability of those pressures that makes imperative a resolute loyalty to the guarantees that the Constitution extends to us all."

17. A similar view was taken in ***L. Laxmikanta v. State*, *(2015)***

4 SCC 222, wherein it was observed: -

> **"19.** Coming now to the last argument of the learned counsel for the appellant that the appeal should be remanded to the High Court for its rehearing afresh because no one appeared for the appellant in the High Court at the time of the hearing of the appeal, which caused prejudice to the appellant. In our view, the High Court in such circumstances should have appointed any lawyer as amicus curiae on behalf of the appellant to argue the appellant's case instead of proceeding to decide the appeal ex parte on merits. Indeed, in our considered opinion, it was the appropriate course which the High Court should have followed for deciding the appeal finally on merits to meet such an eventuality."

18. This position was reiterated in ***Christopher Raj v. K. Vijayakumar*, *(2019) 7 SCC 398***, wherein it was observed: -

> "**8.** Admittedly, the appellant-accused did not appear in the criminal appeal before the High Court. When the accused has not entered an appearance in the High Court, in our view, the High Court should have issued a second notice to the appellant-accused or the High Court Legal Services Committee to appoint an advocate, or the High Court could have taken the assistance of Amicus Curiae. When the accused was not represented, without appointing any counsel as Amicus Curiae to defend the accused, the High Court ought not to have decided the criminal appeal on merits; more so, when the appellant-accused had the benefit of an acquittal. The High Court erred in reversing the acquittal without affording any opportunity to the appellant-accused or by appointing an Amicus Curiae to argue the matter on his behalf."

19. A similar view was taken in ***K. Muruganandam v. State of T.N.*, *(2021) 20 SCC 642***, wherein it was observed: -

> "**6.** It is well settled that if the accused does not appear through counsel appointed by him/her, the Court is obliged to proceed with the hearing of the case only after appointing an Amicus Curiae, but cannot dismiss the appeal merely because of non-representation or default of the advocate for the accused (see ***Kabira v. State of U.P. [Kabira v. State of U.P., 1981 Supp SCC 76: 1982 SCC (Cri) 144***] and ***Mohd. Sukur Ali v. State of Assam [Mohd. Sukur Ali v. State of Assam, (2011) 4 SCC 729: (2011) 2 SCC (Cri) 481]***).

20. A similar view was taken in ***Ram Swaroop vs State of UP Criminal Appeal No. 3757 of 2026 (Arising out of SLP (Criminal)***

No. 14697 of 2026) @ Diary No. 42188/2026 decided on 04.08.2026

wherein it was observed:

> "9. After carefully going through the record, we are of the opinion that as the judgment has been delivered without hearing the appellant and as nobody has appeared on his behalf, the judgment delivered in the matter deserves to be set aside and is accordingly set aside."

21. The Appellate Court undoubtedly has the power to go through the record and decide the appeal on merit; however, when the liberty of the person is involved, and the person has been convicted, this course should not have been adopted, especially when legal aid counsel is available in every Court. The learned Appellate Court only heard learned counsel for the respondent, which put the appellant/accused at a serious disadvantage.

22. Therefore, the learned Appellate Court erred in hearing the appeal on merits in the absence of the learned counsel for the accused.

23. In view of the above, the present revision petition is allowed, and the judgment dated 23.02.2026, passed by the learned Sessions Judge, Mandi, District Mandi, is ordered to be set aside, and the matter is remanded back to the learned

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Appellate Court to hear the petitioner and decide the matter afresh. It is made clear that in case there is no representation on behalf of the petitioner despite service, the learned Appellate Court would be within its right to appoint a legal aid counsel to represent the petitioner.

24. Parties through their learned counsel are directed to appear before the learned Appellate Court on **03.12.2026**.

25. The present revision is disposed of in the aforesaid terms, so also pending application(s), if any.

26. A copy of this judgment, along with the record of the learned Courts below, be sent back forthwith so that the same may reach well before the next date of hearing.

27. The present revision petition stands disposed of, and so do the pending applications, if any.

(Rakesh Kainthla)
Judge

5th November, 2026
(Nikita)