

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 1049 OF 2006

RAM KISHORE Appellant (s)

VERSUS

STATE OF U.P. Respondent(s)

(With appln. for exemption from filing O.T.)

Date: 05/12/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER  
HON'BLE MR. JUSTICE J.M. PANCHAL

For Appellant(s) Mr. Viresh Kumar Yadav, Adv.  
Mr. Pramod Kumar Yadav, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Dr. R.G. Padia, Sr. Adv.  
Mr. Shail Kumar Dwivedi, Adv.  
Mr. Manoj Kumar Dwivedi, Adv.  
Mr. Sahdev Singh, Adv.  
Mr. Gunnam Venkateswara Rao, Adv.

UPON hearing counsel the Court made the following  
ORDER

The appeal is disposed of in terms of the signed  
order.

(Usha Bhardwaj) Court Master (Vinod Kulvi)  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1049 OF 2006

Ram Kishore Appellant(s)

Versus

State of U.P. Respondent(s)

ORDER

We have heard learned counsel for the parties.

From the judgment impugned in the present appeal, it is clear  
that it was an appeal filed by the appellant-accused against his  
conviction recorded by the 3rd Additional Sessions Judge Lakhimpur

Kheri. The High Court proceeded to hear the matter and decide it on merits in the absence of the advocate. The High Court, no doubt, observed in the order that none appeared for the appellant in spite of repeated calls. It also appears that even on earlier occasions counsel was not present.

In our opinion, however, this Court has held that regular criminal appeals should be disposed of only after hearing the parties and in case the accused is not represented by an advocate by making appointment of an advocate/Amicus Curiae. It would, therefore, be appropriate if we set aside the order passed by the High Court and remit the matter back for deciding the same in accordance with law.

:2:

The High Court will give priority and dispose it of as expeditiously as possible.

The learned counsel for the appellant-accused stated that the appellant has already undergone three and a half years' sentence. He, therefore, prayed to enlarge the appellant on bail. We are not making any order since we are remanding the matter to the High Court. Let the High Court make an appropriate order. It is open to the appellant to make appropriate prayer before the High Court.

Appeal is, accordingly, disposed of.

.....J.

[C.K. THAKKER ]

[J.M. PANCHAL]  
NEW DELHI,  
DECEMBER 05, 2007.

.....J.