

Criminal Appeal no. 12 of 2017

Order dated 19.09.2024

Today is fixed for hearing of the Criminal Appeal preferred by the convict appellants against judgment of conviction passed on 06.07.2017 by Ld. Judicial Magistrate, 2nd Court, Alipurduar in GR Case no. 1226 of 2011.

The application of the convicts appellants under Section 374 of Cr. P. C. has been registered as criminal appeal and transferred before this court for hearing.

Today, the appellant take steps through Ld. Counsel and prays for time.

Prayer is allowed.

On perusing the record it appears that the respondent no. 1 had filed his legal appearance on 02.11.17. However, today, the respondent no 1 is absent without steps. The State Prosecution is also absent without steps.

In **Madan Lal Kapoor Vs. Rajiv Thapar and others (2007) 7 SCC 623** the Hon'ble Apex Court held that :

“ The matter relates to administration of criminal justice. As held by this court, a criminal matter can not be dismissed for default and it must be decided on merits.”

In view of the above observation by the Hon'ble Court; the instant criminal appeal has to be decided on merits.

The respondent no. 2/State Prosecuion is directed to take steps on next date fixed for hearing of the appeal.

Inform the Ld. Public Prosecutor representing the State Prosecution for necessary steps.

The Ld. Secretary of The District Legal Service Authority, Alipurduar is directed to appoint a legal counsel to represent the respondent no 1 in this case for the purpose of deciding and disposing the criminal appeal.

Fixing 19.11.24 for hearing of the criminal appeal.

Let a copy of the order be sent to the Ld. Secretary of The District Legal Service Authority, Alipurduar.

Addl. Sessions Judge, FT.C. -1

Alipurduar.

J.O. Code. 01009

Office of the Addl. Sessions Judge,
Alipurduar.

Memo no. _____ dated 06.09.2024

Copy forwarded to -

1. Ld. Secretary of The District Legal Service Authority, Alipurduar.

Addl. Sessions Judge, FT.C. -1
Alipurduar.
J.O. Code. 01009