



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 767 of 2003

RAJU @ RAJENDRA PARE AND ANOTHER **versus** STATE OF CHHATTISGARH

CRA/858/2003

Order Sheet

28/01/2026	None for appellant No.1-Raju @ Rajendr Pare (in CRA No.767 of 2003) Shri SP Sannat, Advocate for appellant No.2-Kuman Singh (in CRA No.767 of 2003). None for appellant Purushottam Gupta in CRA No.858 of 2003. Shri Rohan Shukla, Panel Lawyer for the State. Bailable warrant issued against appellant-Raju @ Rajendr Pare has been returned unserved with the report that he left the place after selling his house and property since 25-30 years back and his whereabouts is not known. It transpires from order-sheet that appellant No.1-Raju was ordered to be released on bail on 13.08.2003, however, on 12.07.2023 when the matter was listed for hearing, no one appears on behalf of appellant-Raju and bailable warrant was issued against him. Warrant could not be served upon him despite bailable warrant issued against him repeatedly and report comes that he left the village

since 25-30 years back after selling his house and property.

Since this is an appeal against conviction of appellant No.1-Raju @ Rajendr for the offence under Sections 395/397, 363 and 323 IPC, the appeal cannot be dismissed for want of prosecution on his behalf, as has been held by the Supreme Court in ***Bani Singh & Others Vs. State of UP, 1996 (4) SCC 720***, wherein in paragraph 14 it has been held as under :

“14.....The law clearly expects the Appellate Court to dispose of the appeal on merits, not merely by perusing the reasoning of the trial court in the judgment, but by cross-checking the reasoning with the evidence on record with a view to satisfy itself that the reasoning and findings recorded by the trial court are consistent with the material on record. The law, therefore, does not envisage the dismissal of the appeal for default or non-prosecution but only contemplates disposal on merits after perusal of the record. Therefore, with respect, we find it difficult to agree with the suggestion in Ram Naresh Yadav's case that if the appellant or his pleader is not present, the proper course would be to dismiss an appeal for non-prosecution.”

Same analogy has further been applied by the Supreme Court in ***K.S. Panduranga v. State of Karnataka, 2013 (3) SCC 721***, ***Surya Baksh Singh v. State of Uttar Pradesh, 2014 (14) SCC 222*** as also in ***Dhananjay Rai Vs. State of Bihar, 2022 SCC Online SC 880***.

The appellant No.2-Kuman Singh is represented through his counsel Shri S.P. Sannat.

Similar is the situation in CRA No.858 of 2003 that sometimes the counsel for appellant-Purushottam Gupta appears before the court and sometime not.

Both the appeals are pending since 2003 and due to

non representation of appellant No.1-Raju @ Rajendra (In CRA No.767 of 2003) hearing of appeal is withheld therefore, this court deem it appropriate to decide both the appeals after appointing counsel through Legal Service Authority on behalf of appellants Raju @ Rajendr and Purushottam Gupta.

In view of above, The Chhattisgarh High Court Legal Services Authority is directed to appoint counsel for both the aforesaid appellants.

List these cases on 12.02.2026 for final hearing at motion stage.

Sd/-
(Ravindra Kumar Agrawal)
Judge