

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1422 of 2000****SEEMANCHAL SWAI *versus* STATE OF CHHATTISGARH****Order Sheet**

<b>20.03.2026</b>	<p>None for the appellant.</p> <p>Mr. Shailesh Puriya, learned Panel Lawyer for the State.</p> <p>In this matter, after releasing the appellant on bail on 05.06.2000, in two occasions Mr. Raj Kumar Gupta, Advocate has appeared on behalf of appellant on 30.06.2014 and 09.07.2018, except that no one has appeared on behalf of the appellant in other occasions.</p> <p>This Court has issued non-bailable warrant against the appellant on 24.04.2024, still no one has appeared, thereafter, again non-bailable warrant has been issued against the appellant on 16.06.2025 and 02.01.2026, still no one has appeared on behalf of the accused. Thereafter, this Court has directed for cancellation of bail to the learned trial Court on 13.02.2026.</p>

In pursuance of direction given by this Court, the learned trial Court has initiated proceeding for cancellation of bail and issued notice to one Mr. D. Sohan Babu. It has been informed by the learned trial Court that Mr. D. Sohan Babu has left the residential address given in the bail furnishing bond, as such, no one has appeared.

Therefore, there is no option for this Court but to engage defense counsel through High Court Legal Aid Committee and accordingly the Secretary, High Court Legal Aid Committee is directed to engage a counsel who is well versed with the criminal law to defend the accused.

This Court cannot lose sight of the fact that the Hon'ble Supreme Court in case of **Bhola Mahto vs. The State of Jharkhand** reported in **2026 INSC 257** has also directed that before engaging defense counsel, it is expedient for the Courts to inform the accused and in paragraph 23 has held as under:

“23. In continuation of the above and in the light of what has transpired in course of the present proceedings, we wish to make an additional observation. It is a matter of common knowledge that once a convict obtains an order from the appellate court suspending the sentence of imprisonment and is, consequently, released on bail, more often than not, he neglects and/or fails to cooperate with the court and impedes an expeditious decision on his appeal by staying away from the proceedings with a view to ensure that his liberty is not curtailed, if the appeal were to fail. Drawing from experience, we can record that on many an occasion, such convicts become untraceable. These convicts, enjoying the concession of bail and misusing it, need to be dealt

with firm and strong hands by the courts. Having regard to the dictum of the three-Judge Bench in *Anokhi Lal* (supra) and in order to curb the tendency of convicts to raise technical pleas of the nature which were advanced before us, we observe that, henceforth, whenever an appellate court considers it desirable to appoint an amicus to represent a convict whose counsel is absent, such court may also consider the desirability of issuing a notice from the registry to the address of the convict mentioned in the memorandum of appeal, for such notice to be served on him through the jurisdictional police station, with an intimation that the convict may contact the learned amicus and provide him necessary instructions so that his case is argued before the court effectively and meaningfully. In the event the convict contacts the amicus and provides instructions, there would ordinarily be no impediment in proceeding with hearing of the appeal. If, indeed, the convict desires to have his own counsel argue the appeal on his behalf and not the amicus, the court may hear such counsel in addition to the amicus. However, if the service report indicates that the convict was not found at the address or that he refused to accept notice despite being present, it would amount to sufficient compliance if the notice is pasted on the outer wall of the premises, address whereof is mentioned in the cause title of the memorandum of appeal. Should the convict still remain dormant, and it is so reported, the High Court may proceed to decide the appeal without waiting for the convict to turn up either in person or through the counsel of his choice engaged by him. This process, in our view, would substantially serve the purpose of eliminating any plea of unfairness being raised before this Court if an appeal is disposed of upon hearing the amicus appointed by the court. Additionally, in a case of like nature where the appeal is listed two decades after grant of bail, this process would ensure obtaining of information as to whether the appeal survives for decision or stands abated. In case of the latter, the

courts could avoid spending precious judicial time deciding an appeal which, by operation of law, may not require a decision on merits. Of course, for a convict in custody who has committed an offence punishable with death or life imprisonment, the directions in Anokhi Lal (supra) have to be scrupulously followed apart from the relevant rules regulating the business of the courts concerned.”

But in the present factual position, despite all the efforts made by this Court, no one has appeared on behalf of the accused, therefore, the Secretary, High Court Legal Aid Committee is directed to engage a counsel who is well versed with the criminal law.

List this case for further hearing on **15<sup>th</sup> April, 2026**.

Since the record has already been scanned, the Secretary, High Court Legal Aid Committee is directed to obtain the complete record and engage a counsel who can make submission on behalf of the appellants.

**Sd/-  
(Narendra Kumar Vyas)  
Judge**