

Amit Jha vs. State of H.P a/w connected matters.

Cr. Appeal Nos.116 of 2020, Cr. Appeal No.117 of 2020 and Cr. Appeal No. 130 of 2020

07.05.2024 *Present:*None for the appellants in Criminal Appeals No.116 and 130 of 2020.

Mr. Lakshay Thakur, Advocate, for the appellant in Criminal Appeal No. 117 of 2020.

Mr. Baldev Negi, Additional Advocate General, for the respondent/State in all the appeals.

Cr. Appeals No.116, 117 and 130 of 2020

Learned Additional Advocate General has placed on record communication dated 22.04.2024 received from Superintendent of Police, Kangra at Dharamshala, Himachal Pradesh, whereby efforts made by respondent-State to trace the appellant-Amit Jha (appellant in Criminal Appeal No.116 of 2020) and Tarsem Singh (appellant in Criminal Appeal No. 130 of 2020) have been narrated.

As a matter of fact, after conviction of all the accused persons vide judgment dated 11.12.2019 passed in Sessions Case No.11-G/VII/2016, all of them preferred separate three appeals i.e. Criminal Appeal No.116 of 2020 titled as Amit Jha versus State of H.P., Criminal Appeal No.117 of 2020 titled as Balwan Singh versus State of H.P and Criminal Appeal No. 130 of 2020 titled as Tarsem Singh versus State of H.P. All of them were duly represented by Advocate, however, during the pendency of the appeals, learned counsel for appellants-Amit Jha and Tarsem Singh informed that for want of instructions and

contact with the said appellants, they were not able to pursue the appeals on behalf of those appellants.

During this period, both Amit Jha and Tarsem Singh were temporarily released from jail on parole but they did not return after expiry of the parole, whereafter, order was passed by Co-ordinate Bench of this Court to take appropriate steps to trace them.

Now, after making all out efforts with all means available with the respondents, appellants-Amit Jha and Tarsem Singh are not traceable. All three appeals i.e. Criminal Appeals No.116, 117 and 130 of 2020 are arising out of the common judgment and these appeals are to be decided after appreciating the common material.

Learned counsel for appellant-Balwan Singh submits that in absence of appellants-Amit Jha and Tarsem Singh, appellant Balwan Singh is suffering for no fault on his part.

The appeals preferred by appellants-Amit Jha and Tarsem Singh cannot be dismissed in default for non-prosecution. These are to be heard on merit along with connected appeal and to be decided accordingly.

In the aforesaid facts and circumstances, we are constrained to appoint Ms.Anjali Soni Verma, Advocate and Mr. Raju Ram Rahi, Advocate as Legal Aid Counsel for Amit Jha and Tarsem Singh, respectively in the respective appeals preferred by them and to contest these appeals as Legal Aid Counsel on behalf of these two appellants. Secretary, High

Court Legal Services Committee is directed to take follow up action.

Complete paper book be supplied by the Registry to the learned counsel appointed to represent Amit Jha and Tarsem Singh within a week.

Needless to say that concerned officers of respondent-State are duty bound to take appropriate action including registration of FIR for jumping over the parole by appellants-Amit Jha and Tarsem Singh and, therefore, respondent/State is directed to take all such necessary action required to be taken in accordance with law against appellants-Amit Jha and Tarsem Singh.

List these matters for hearing on **20.05.2024**.

(Vivek Singh Thakur)
Judge

(Rakesh Kainthla)
Judge

7th May, 2024
(*saurav pathania*)