

State of H.P. vs. Parveen Kumar Samal a/w
connected appeal

Cr. Appeal No.182 of 2021 with Cr. Appeal No.210
of 2021

Cr. Appeal No. 182 of 2021

25.04.2024 Present: Mr.Varun Chandel, Additional Advocate General,
for the appellant-State.

Mr.Neeraj Thakur, Advocate, vice Mr.Maan Singh,
Advocate, for respondent No.1.

Mr.Shashi Shirshoo, Central Government Counsel,
for respondent No.3-Union of India.

Cr. Appeal No. 210 of 2021

Mr.Varun Chandel, Additional Advocate General,
for the appellant-State.

None for the respondent.

Cr. Appeal No. 182 of 2021

It has been pointed out by learned Additional
Advocate General that Mr.D.S. Kainthla, Advocate, had
appeared in this case for surety of respondent No.1.
Admittedly, name of Mr.D.S. Kainthla, Advocate, has not been
reflected in the cause list.

As a matter of fact, respondent No.1, after service
did not appear. Whereupon, vide order dated 02.11.2022
notice was issued to his surety Uttam Chand, calling upon him
to appear before the Court in person on next date of hearing,
i.e. 23.11.2022. However, surety did not appear on
23.11.2022 leading to issuance of non-bailable warrants
against the surety vide order dated 23.11.2022. The said
non-bailable warrants were recalled on 05.12.2022 on the
application of surety Uttam Chand filed through Mr.D.S.
Kainthla, Advocate, as surety was directed to remain present

alongwith respondent No.1 on next date of hearing, i.e. 07.12.2022.

On 07.12.2022 respondent No.1 appeared in the Court alongwith his surety and furnished bail bonds as directed by the Court and, in aforesaid facts and circumstances, as surety had produced the accused, he was ordered to be discharged. Therefore, we are of the considered opinion as also agreed by learned counsel for the contesting parties, Mr.D.S. Kainthla, Advocate, has nothing to do with merits of the case and with respect to respondent No.1 or respondent No.2.

In the main matter, an application Cr.M.P. No.2902 of 2023 filed by respondent-State, is pending adjudication, wherein reply dated 21.12.2023 and affidavit dated 20.02.2024 stand filed on behalf of Union of India.

Learned Additional Advocate General seeks time to file counter to the aforesaid reply and affidavit filed on behalf of Union of India. Be filed within two weeks positively, failing which it shall be construed that respondent-State has nothing to say about plea taken in the reply and affidavit referred supra.

List for consideration on 20.05.2024 alongwith Cr.M.P. No.2902 of 2023.

Cr.M.P. Nos.3832 of 2023 & 814 of 2024 in Cr.Appeal No.182 of 2021

These applications have been filed on behalf of Union of India seeking exemption from filing the both side printed documents.

For the reasons stated in the applications, prayer of Union of India is allowed and applications are disposed of.

Cr.Appeal No. 210 of 2021

In order dated 03.05.2023 it was recorded as under:-

“In response to the Bailable Warrants issued against the accused, a letter has been received from the Under Secretary to the Government of India, Ministry of Home Affairs, alongwith communication received from the Federal Ministry of Justice at Nigeria, whereby it has been informed hat for want of supply of judicial document accompanied by a formal request for assistance to execute Bailable Warrants, no provision of legal basis is available for grant of mutual legal assistance under Nigeria law to execute the warrants.

Faced with the aforesaid situation, learned Additional Advocate General seeks four weeks’ time to take steps, which are prerequisite for grant of assistance under the Nigeria law for execution of warrants.”

Thereafter, time was taken on behalf of appellant-State for taking steps, which are prerequisite for grant of assistance under the Nigeria law for execution of warrants. But till date no such steps have been taken. Be taken within two weeks positively.

List for consideration alongwith Cr.Appeal No.182 of 2021 on the date already fixed.

(Vivek Singh Thakur)
Judge

(Rakesh Kainthla)
Judge

April 25, 2024
(Purohit)