

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 444 of 2019

Md. Ilyas Hussain @ Md. Illiyas	...	Appellant
	Versus	
Union of India through CBI	...	Respondent

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant	: Mr. Jitendra Singh, Adv.
For the CBI	: Mr. Rohit Sinha, Adv.

11 / 22.09.2020

I.A. No. 4795 of 2020

Heard the parties through video conferencing.

Learned counsel for the appellant prays for time to advance argument as to why the principle of law reiterated by the Hon'ble Supreme Court of India in the case of *Shiv Kumar v. State (NCT of Delhi)*, (2008) 17 SCC 122 that in paragraph 7, which reads as under :

"7. This Court has observed in several cases that where the accused is convicted for offence punishable under the Act, it would not be prudent and desirable to give protection under Section 389 of "the Code". However, taking into account the peculiar circumstances of the case we request the High Court to dispose of the appeal as early as practicable."

will not be applicable in the facts of this case. Mr. Singh further submits that the appellant is not ready for the hearing of this appeal today.

Prayer for time is allowed.

Perusal of the record reveals that though vide order dated 25.06.2020, upon the prayer of the appellants, all the four appeals arising out of the same impugned judgment including this appeal were directed to be listed for 'final hearing' after four weeks but the Registry has not complied the said order of the court and has not fixed all the four appeals even more than four weeks have elapsed.

The Registrar General of this Court is directed to submit a report after conducting an enquiry and fix the responsibility as to for whose laches, the said direction of this Court to list all the four appeals arising out of the same impugned judgment including this appeal for 'final hearing' after four weeks; has not been complied with.

List this Appeal along with the I.A. No. 4795 of 2020 after the report is submitted by the Registrar General of this Court or after eight weeks whichever is earlier.

(ANIL KUMAR CHOUDHARY, J.)

AFR-Smita/-