

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRA No. 71/2013

Jagjeet Raj

.....Appellant(s)/Petitioner(s)

Through: Mr. Vishal Kapoor, Advocate vice
Mr. Vikas Sharma, Advocate.

Vs

State of J&K.

..... Respondent(s)

Through: Mr. Amit Gupta, AAG.

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

14.03.2022

1. In the instant criminal conviction appeal filed by the appellant against the judgment dated 23.10.2013, passed by the 3rd Additional Sessions Judge, Jammu for commission of offences under Sections 363 and 376 RPC, sentence passed against the appellant came to be suspended in terms of order dated 06.12.2013 and the appellant was enlarged on bail, subject to an undertaking that he would appear in the Court as and when the appeal would be taken up for consideration.

2. On the next date of hearing, i.e., 31.01.2014, neither appellant nor his counsel appeared, resulting into issuance of non-bailable warrants against the appellant. On 17.06.2020, when the matter was listed, neither the appellant nor his counsel was present. On 05.08.2020, only counsel for the appellant appeared, however, on the next date of hearing, i.e., 17.12.2020, again neither the appellant nor his counsel appeared. On the next date of hearing, i.e., 15.04.2021, again neither the appellant nor his counsel was present, resulting into issuance of non-bailable warrants for securing presence of the appellant, to be executed through SSP concerned. On 14.07.2021, again neither the appellant nor his counsel was present and the bailable warrants were directed to be issued against the appellant. On 13.09.2021, the appellant did appear along with his

counsel and on the next date of hearing, i.e., 07.12.2021, only counsel for the appellant appeared.

3. Perusal of the minutes of the record would reveal that the appellant has not been appearing before this Court in compliance to the order dated 06.12.2013, whereunder he had undertaken to appear on each and every date.

4. Today again, neither the appellant nor his arguing counsel is present. However, an adjournment is being sought by the proxy counsel on behalf of the appearing counsel for the appellant.

5. Registry has reported that for execution of non-bailable warrants issued by this Court on 15.04.2021, the said warrants have not been executed because the appellant has sold his residential house and that his new address is not available.

6. Having regard to the aforesaid position and conduct of the appellant, the bail granted to the appellant is withdrawn.

7. Registry is directed to issue notice to the sureties for their appearance on the next date of hearing. Non-bailable warrants shall be issued for securing the presence of the appellant, to be executed through Dy.SP, R.S. Pura, who shall make a report about the execution of the warrants to this Court in person on the next date of hearing.

8. Let the matter be listed for consideration on 11.04.2022.

(Javed Iqbal Wani)
Judge

Jammu
14.03.2022
Ram Krishan