

Court No. - 42

Case :- CRIMINAL APPEAL No. - 3320 of 1985

Appellant :- Rafat Ali Khan @ Parvez and another

Respondent :- State Of U.P.

Counsel for Appellant :- S.A.N. Shesh

Counsel for Respondent :- A.G.A.

Hon'ble Ram Krishna Gautam,J.

Learned counsel for the appellants as well as learned A.G.A. for the State are present.

Heard over recall application Nos. 1/2019 and 2/2019 moved by appellants Rafat Ali Khan @ Parvez and Asmat Ali @ Salim Khan, the ground for absence on date 1.11.2018 has been said to be the unawareness of the death of counsel Sri S.A.N. Snesh, who had filed this appeal for appellants and died 5 years back. This ground seems to be sufficient, hence Non Bailable Warrants issued against appellants and the notices against sureties are being cancelled. But the report of Police Station reveals that appellant Rafat Ali Khan @ Parvez is not residing at his given address since long, he was not traceable at above address whereas appellant No. 2 was under treatment and was traceable hence, appellant No. 1 Rafat Ali Khan @ Parvez to file his present address along with his parentage and I.D. and residence address proof in the office of this Court as well as in the office of trial Court for keeping on record. Both of the appellants shall be present either in person or through their counsel on the date of hearing of appeal in this Court.

District and Sessions Judge, Budaun, is being directed to ensure the submission of trial Court record of S.T. No. 352 of 1983 (State of Rafat Ali Khan @ one other) under Section 307 I.P.C., Police Station Islamnagar, District Budaun, decided on 9.12.1985 by Special Judge, Budaun, positively up to 8.2.2019.

List on 192.2019 for hearing of this appeal on merit.

Order Date :- 29.1.2019

Kamarjahan