

Court No. - 49

Case :- CRIMINAL APPEAL No. - 2927 of 1988

Appellant :- Swami Nath And Others

Respondent :- State

Counsel for Appellant :- Siddharth Shukla

Counsel for Respondent :- A.G.A.

Hon'ble Krishna Pratap Singh,J.

Criminal Mics.Delay Condonation Application No.01 of 2019

Criminal Mics.Recall Application No.02 of 2019

Heard Sri Vijay Kumar, learned counsel for the applicant-appellant no.1, learned A.G.A. for the State and perused the record.

Learned counsel for the applicants-appellants has submitted that appeal stood dismissed as abated against the applicant-appellant no.2/Ram Lal.

It is submitted that the case was listed for the first time on 16.11.2018 after the year, 1988. It was further submitted that the earlier counsel Sri Siddharth Shukla is no more, so no one could appear on the date of listing the case and NBW has been issued.

Hence a recall applicant along with delay condonation application has been filed on behalf of the applicant-appellant no.1/Swami Nath.

It was next submitted that in this case applicant-appellant had been granted bail vide order dated 21.12.1988 and he has never misused the liberty of bail. Lastly, it is submitted by learned counsel for the applicant-appellant that he is ready to argue the case, when it is listed next.

Cause shown is sufficient.

Delay is condoned and recall applicant is allowed.

Order dated 16.11.2018 is recalled against the appellant no.1.

Office report dated 07.02.2019 indicates that lower court record stands received.

List after eight weeks for final hearing.

Order Date :- 13.2.2019

PKC