

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.226 OF 2006

RAM RAJ ..APPELLANT(S)  
STATE OF U.P. VERSUS ..RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgments and orders passed by the High Court of Judicature at Allahabad, Lucknow Bench in Criminal Revision No.251 of 1999, dated 21.08.2003 and Criminal Misc. Application No.4361 of 2003, dated 18.12.2003.

2. The appellant had been convicted for the offence under Section 3 of the Railway Property Unlawful Possessions Act and sentenced to six months of rigorous imprisonment by the Trial Court vide judgment and order in CC No.431/1989 dated

11.08.1997. Aggrieved by the conviction and sentence,

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NEETU KHAJURIA  
Date: 2015.09.10  
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Reason:

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the appellant approached the Court of First Appeal which upheld the conviction and sentence of the appellant.

3. Being aggrieved by the same, the appellant approached the High Court by way of a Criminal Revision Petition. The High Court, by the impugned judgment and order dated 21.08.2003 dismissed the said petition. Subsequently, the appellant filed an

application for recall of the order dated 21.08.2003.

The said application was also dismissed by the High Court vide judgment and order dated 18.12.2003.

4. By the impugned judgments and orders the High Court has confirmed the orders passed by the Additional Chief Judicial Magistrate, Railway, Gonda and the learned Additional District and Sessions Judge, Gonda. However, in both the orders the High Court has categorically noticed that no counsel had appeared on behalf of the appellant. Aggrieved by the

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same, the appellant calls in question the judgment and order passed by the High Court in Criminal Revision No.251 of 1999.

5. We have heard learned counsel for the parties to the lis.

6. It is the considered opinion of this Court that, in cases of this nature, if for any reason, the learned counsel for the accused person fails to be present before the Court on the date fixed for hearing, the Court ought to appoint an amicus curiae to assist the accused person. It is of the utmost importance that the accused person's right to a fair hearing be preserved.

7. In the present case, since the aforesaid has not been done by the High Court, we take exception to the judgments and orders passed by the High Court. Therefore, we set aside the same and remand the matter back to the High Court for fresh disposal, in

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accordance with law, after affording an opportunity

of hearing to the appellant/ accused.

8. The Criminal Appeal is disposed of accordingly.

Ordered accordingly.

.....CJI.  
(H.L. DATTU)

.....J.  
(ARUN MISHRA)

NEW DELHI  
SEPTEMBER 01, 2015

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ITEM NO.10 COURT NO.1 SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 226/2006

RAM RAJ Appellant(s)

VERSUS

STATE OF U.P. Respondent(s)

(With office report)

Date: 01/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Pradeep Misra, Adv.

For Respondent(s) Ms. Kiran Suri, Sr. Adv.  
Mr. N.K. Karhail, Adv.  
Ms. Sunita Gautam, Adv.  
Mr. S.N. Terdal, Adv.  
For Mr. B. Krishna Prasad, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is disposed of in terms of the signed order.

As a sequel to the above, pending interlocutory application(s), if any, are disposed of.

(Neetu Khajuria)  
Sr.P.A.

(Vinod Kulvi)  
Assistant Registrar

(Signed order is placed on the file.)