

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). 1230 OF 2006

SIRAJ @ PETROL SIRAJ

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With appln(s) for bail and office report)

Date: 03/05/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Appellant(s)

Mr. Javed Mahmud Rao,Adv. (N.P.)

For Respondent(s)

Mr. Sanjay R. Hegde,Adv.

UPON hearing counsel the Court made the following

O R D E R

Counsel for the appellant is not present.

only of three The appellant is in jail. Since his sentence is

years, we direct that he may be released on bail on his furnishing bail
bonds and sureties to the satisfaction of the Trial Court.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1230 OF 2006

SIRAJ @ PETROL SIRAJ
T(S)

...APPELLAN

Versus

STATE OF KARNATAKA
NT (S)

...RESPONDE

O R D E R

Counsel for the appellant is not present.

The appellant herein has been sentenced to three years rig
orous

imprisonment for the offence punishable under Section 307 of the Indian

Penal Code. It appears from the impugned judgment that the appellant was

acquitted by the Trial Court but the State preferred an appeal against

acquittal. In the appeal against acquittal the counsel for the appellant did

not turn up to argue the matter. Having waited for some time, the Court

proceeded to hear the matter and passed the judgment reversing the order

of acquittal and sentencing the appellant to undergo three years rigorous

imprisonment.

We are of the view that in the interest of justice the High Court

ought to have appointed an amicus curiae to assist the Court if the Counsel

for the accused was not present and particularly so when the High Court

was of the view that the order of acquittal may have to be reversed. We,

therefore, set aside the impugned judgment and order of the High Court and

remit the matter to the High Court to dispose of the appeal after appointing

an amicus curiae in case the counsel for the appellant does not appear at

the hearing.

We should not be understood to have laid down any principle of law, but having regard to the special feature of this case namely, that the appellant was acquitted by the Trial Court and his acquittal has been set aside by the High Court, we feel that it will be in the interest of justice to follow the above course of action.

The appellant is in jail. Since his sentence is only of three years, we direct that he may be released on bail on his furnishing bail bonds and sureties to the satisfaction of the Trial Court.

This appeal is accordingly allowed.

.....J.

(B.P.SINGH)

.....J.

(H.S.BEDI)

New Delhi,
May 3, 2007