

ITEM NO.107

COURT NO.10

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No. 1426/2009

HUSSAIN SHAH

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(IA No. 11067/2006 - STAY APPLICATION)

WITH

CrI.A. No. 1427/2009 (II)

Date : 22-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s)

Mr. D.K.Devesh, AOR
Mr. Apurv Singhvi, Adv.
Mr. Milind Kumar, AOR

Mr. Mukesh Kumar Sharma, AOR
Mr. Kartikey, Adv.

For Respondent(s)

Dr. Manish Singhvi, Sr. Adv.
Mr. Milind Kumar, AOR
Ms. Shubhangi Agarwal, Adv.
Mr. Apurv Singhvi, Adv.
Mr. Rohan Darade, Adv.

Mr. R. Basant, Sr. Adv. (Amicus Curiae)
Mr. A. Karthik, AOR
Mr. Akshay Sahay, Adv.
Ms. Sree Priya K., Adv.
Ms. Smrithi Suresh, Adv.

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

There are two appeals before us. One filed by the State of Rajasthan and the connected appeal filed by the original first informant. In both these appeals, the challenge is two-fold. First to the judgment and order of acquittal passed by the

High Court and the secondly the order of the High Court altering the conviction of one of the accused persons from section 302 to 304 Part I of IPC. All the original accused persons who were put to trial although served with notice issued by this Court, have chosen not to remain present before this Court either in person or through any advocate. Mr. R. Basant, learned senior counsel has been requested by this Court to assist as Amicus Curiae.

Mr. D.K. Devesh, learned counsel has appeared for the State of Rajasthan. Mr. Mukesh Kumar Sharma, learned counsel has appeared on behalf of the original first informant.

According to Mr. Basant although the copies of the depositions are available for perusal, yet there are many other documents relating to title, etc. of the land in dispute, are not available with him. Such documents form the part of the original record.

We expect the original accused persons to appear before this Court either in person or through an advocate for proper assistance. The only way to secure their presence to ask the Registry to issueailable warrants in the sum of Rs.10,000/-each with one surety of the like amount so that they would come to know that two appeals have been taken up for final hearing by this Court. Theailable warrants shall be served through the SHO of the police station concerned. Registry to act accordingly.

In the meantime, the Registry shall furnish all necessary documents required by the learned Amicus Curiae at the earliest.

List on 21.03.2024.

(RAJNI MUKHI)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)