

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1478/2007

(From the judgement and order dated 09/11/2006 in CRLA No. 410/2003 of The HIGH COURT OF BOMBAY)

RAMESH SHANKAR LANDAGE

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for c/delay in filing SLP,bail)

Date: 27/08/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. Sushil Karanjkar, Adv.
Mr. K.N. Rai,Adv.For Respondent(s) Mr. Sanjay V. Kharde, Adv.
Mr. Ravindra Keshavrao Adsure,Adv.UPON hearing counsel the Court made the following
ORDER

Delay condoned.

Leave granted.

The appeal is allowed and the matter is remitted to the High Court for fresh disposal in accordance with law . If the appellant has not engaged an advocate, the High Court will ensure that the matter will be decided on merits only after appointment of an advocate (Amicus Curiae). The High Court will decide the matter strictly on its own merits without being inhibited by the observations made by this Court.

[Charanjeet Kaur]
Court Master[Vinod Kulvi]
Court Master[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPEAL NO. 1133 OF 2007
(Arising out of SLP(Crl.) NO. 1478/2007)

Ramesh Shankar Landage

.. Appellant(s)

Versus

State of Maharashtra

.. Respondent(s)

ORDER

Delay condoned.

Leave granted.

This appeal is directed against the judgment and order passed by the High Court of Judicature at Bombay on November 9, 2006 in criminal appeal No. 410 of 2003. By the said decision, the High Court dismissed the appeal filed by the appellant herein.

From the reading of the judgment it is clear that none appeared on behalf of the appellant and the matter was decided on merits by the High Court.

At the time of admission herein on March 7, 2007, this Court passed the following order :

"A reading of the judgment of the High Court makes it clear that nobody appeared on behalf of the petitioner before the High Court. Hence notice on the special leave petition. Notice will state as to why the petition should not be disposed of at this stage by remitting the matter to the High Court to be decided afresh in accordance with law."

In view of the fact that none appeared on behalf of the appellant and the matter was decided by the High Court on

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merits, in our opinion, it would be in the ends of justice if we allow the appeal, set aside the judgment passed by the High court and remit the matter to the High Court for fresh disposal in accordance with law. The appeal is, accordingly, allowed.

We may further state that if the appellant has not engaged an advocate, the High Court will ensure that the matter will be decided on merits only after appointment of an advocate (Amicus Curiae).

Before parting with the matter, we may state that we have not expressed any opinion on the merits of the matter one way or the other and High Court will decide the matter strictly on its own merits without being inhibited by the observations made by this Court.

.....J

[C.K. THAKKER]

.....J

[MARKANDEY

KATJU]

NEW DELHI,
AUGUST 27, 2007.