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Cr1.A.No. 866 OF 2000

ITEM NO.103

COURT NO.7

SECTION IIA

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.866 OF 2000@@  
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MANOKARAN ... APPELLANT(S)

VERSUS

STATE OF TAMIL NADU ... RESPONDENT(S)

(With Office Report)

Date: 13/08/2002. This/These matter(s) were called on for hearing today.@@  
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CORAM:

HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant(s) Mr. S.Aravindh, Adv. for  
Mr. Rakesh K. Sharma, Adv. (N.P.)

For Respondent (s) Mr. S. Balakrishnan, Sr. Adv.  
Mrs. Revathy Raghavan, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T....J.  
.SP2

On 16th July, 2002, by reason of the non-availability of the lawyer in support of the appeal, this Court passed an order as below:-

.SP1

.....L.....I.....T.....T.....T.....T.....T....J.

"This is the second call when no one appears in support of the appeal. In the normal course of events it would have entailed an order of dismissal by reason of non-appearance. But this being a matter under Section 302 IPC and the appellant Manokaran is in jail suffering a punishment of life imprisonment, we do deem it fit to offer a further opportunity to the appellant herein to make alternative arrangements so that on the next date of hearing somebody else may appear in support of the appeal. The Registry, thus, is directed to send a notice immediately to the appellant herein through appropriate agencies and let this matter stand over for a period of four weeks.

Let this also be made clear in the notice that in the event no one appears on the next date of hearing, this Court will not have any alternative but to dismiss the appeal."

.....L.....I.....T.....T.....T.....T.....T.....T.....J.  
.SP2

Today, however, in terms of the directions matter appeared and when the matter was taken up we have been informed by Mr. S. Aravindh, learned counsel appearing in support of the appeal that the appellant has since been granted parole by the Government though he has no definite information about the same.

Learned senior advocate Mr. S. Balakrishnan, present in the Court, also has no knowledge about the factum of grant of parole by the Government of Tamil Nadu.

The Office reported, however, that the appellant stands served on 10th August, 2002 with the notice for appearance before this Court on 13th August, 2002.

Incidentally, the application for bail was rejected by this Court on 30th April, 2001 and since then the appellant is being lodged in jail and there has been due certification therefor presented before this Court. The learned senior advocate Mr. S. Balakrishnan is requested hereby to inform this Court on the next date of hearing as to the circumstances under which parole was granted when in fact the bail application stands rejected and the appellant is lodged in jail.

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Let this matter appear four weeks hence within which the learned senior advocate would be able to obtain the instructions as submitted by him.

Be it also placed on record that the advocate-on-record, for the appellant thought it prudent not to appear before this Court today as well.

.SP1

(K.K. Chawla)	(Shelly Sengupta)@@
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Court Master	Court Master