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SLP(Crl.)No. 2818 OF 2003  
ITEM No.49

Court No. 6

SECTION II  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 2818/2003

(From the judgement and order dated 03/02/2003 in CLRA 1575/80  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

DAN BEHARI

Petitioner (s)

VERSUS

STATE OF U.P.

Respondent (s)

( With Appln(s). for bail & exemption from filing O.T. )

Date : 08/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr.Rakesh Dwivedi,Sr.Adv.  
M/s. Prashant Chaudhary,Abhishek Chaudhary,Advs.

For Respondent (s) M/s Vivek Singh,Praveen Swarup,  
Pramod Swarup,Advs.

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

Heard the learned counsel for the parties for some time.  
Leave granted.  
The appeal is disposed of in terms of the signed order.

[Naresh Kumar] [ VP Tyagi ]  
AR-cum-PS Court Master

[Signed order is placed on the file.]  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1124 2003  
[Arising out of SLP(Cr) 2818/2003]

Dan Behari  
...  
APPELLANT (S)

VERSUS

State of U.P.  
...  
RESPONDENT (S)

O R D E R

Leave granted.

Criminal Appeal No.1575/1980 filed by the appellant before the High Court was dismissed by the impugned judgment. The appeal was decided in absence of counsel for the appellant. Having regard to the facts and circumstances of the case, we are of the view that the appellant is entitled to be heard through a counsel in the said appeal (Crl.A.1575/1980). On this short ground, we set aside the impugned judgment without expressing any opinion on merits. We restore Criminal Appeal No.1575/1980 to the file of the High Court. Mr.Rakesh Dwivedi, learned senior counsel for the appellant states that the appellant would engage a counsel to argue the said appeal before the High Court. Let him do so forthwith. The said criminal appeal is directed to be decided expeditiously, preferably within a period of four months.

The appellant was on bail pending the decision of the said criminal appeal in the High Court. He is directed to be released on bail on the same terms which were imposed on him while passing the original order of bail by the High Court.

The appeal is disposed of in above terms.

.....J.  
( Y.K. SABHARWAL )

.....J.  
( B.N. AGRAWAL )  
New Delhi,  
September 08, 2003.