

arguments."

"A corollary of latches or mistakes during the conducting of a case by the counsel who acted in an highly unprofessional manner cannot be understood as a lacuna which a court cannot fill up which has caused the inherent weakness or a latent wedge in the matrix of the defence case. Thus, no party in a trial can be foreclosed from correcting errors committed by the Advocate due to his misconduct. If proper evidence was not adduced or a relevant material was not brought on record due to his negligence, the Court is required to be magnanimous, in permitting such mistakes to be rectified. After all, function of the criminal court is administration of criminal justice and not to count errors committed by the parties or to find out and declare who among the parties performed better."

"Let an authenticated copy of this order be sent by the Registry to the Bar Council of Himachal Pradesh to take any action against Shri Atul Jaitly Advocate, Solan as it deserves in the circumstances aforesaid. The accused petitioner is also at liberty to seek damages from the said Advocate for the loss, if any caused to him due to the deficiency in services or his inefficiency."

Accordingly, we expunge the aforeextracted observations.

The Special Leave Petition stands disposed of accordingly.
(DEEPAK MANSUKHANI) (KUSUM GULATI)
Court Master Court Master