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SLP(Crl.)No. 5474 OF 2003  
ITEM No.48

Court No.10

SECTION II  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 5474/2003

(From the judgement and order dated 06/05/2003 in CRLA 2952/80  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

AMAR SINGH

Petitioner (s)

VERSUS

STATE OF U.P.

Respondent (s)

( With Appln(s). for c/delay in filing SLP and permission to place addl. documents on record and Office Report )

Date : 23/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner (s)Mr. B.S.Jain, Adv.  
Mr. Ajay Veer Singh, Adv.  
Ms. Charuwali Khanna, Adv.  
Ms. Pallavi Puri, Adv.  
Dr.(Mrs.) Vipin Gupta, Adv.

For Respondent (s)Mr. Sahdev Singh, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.

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

Leave granted.  
The appeal is disposed of in terms of the signed order  
placed on the file.

(Shashi Sareen) (Vijay Aggarwal)  
Court Master Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2004  
(ARISING OUT OF SLP(CRL.) NO. 5474/2003)

AMAR SINGH

...

Appellant (s)

Versus

STATE OF U.P.

...

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

While issuing notice on 8.12.2003 it was indicated that the matter may be remitted to the High Court for hearing and disposal on merits. When the appeal was heard by the High Court, none appeared for the accused appellant. Learned counsel for the appellant submits that this happened because there was a revision of the cause list and the learned counsel appearing for the appellant could not make immediate arrangements for appearance. Though in law when there is no appearance before the High Court the Court can peruse the record and with the assistance of the learned counsel for the State dispose of the matter. Considering the facts the appeal was disposed of ex-parte, in the peculiar circumstance without expressing any opinion on the merits of the case we remit the matter to the High Court for fresh disposal. The Criminal Appeal 2952/80 shall be restored to its original position before the High Court. Since the matter is pending since 1980, the High Court may explore the possibility of early disposal of the appeal. The appeal is accordingly disposed of.

.....J.

(ARIJIT PASAYAT)

.....J.

(C.K.THAKKER)

New Delhi,  
August 23, 2004.