

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2276 OF 2009

RAMCHABILA JAGNATH YADAV

...APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Bombay at Nagpur in Criminal Appeal No.429 of 1997, dated 25.03.2009. By the impugned judgment and order, the High Court has reversed the findings and conclusions reached by the Trial Court.

2. The Prosecution had initiated proceedings against the appellant-herein under Section 16(1)(a)(ii) and 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 (for short, 'the Act'). After conclusion of the trial, the Trial Court had acquitted the appellant herein.

3. Being aggrieved by the order passed by the Trial Court, the State had carried the matter in appeal before  
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the High Court in Criminal Appeal No.429 of 1997.  
Digitally signed by  
Ramana Venkata Ganti  
Date: 2015.09.14

16:53:32 IST  
Reason:

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impugned judgment and order, the High Court has reversed the findings of the Trial Court and has convicted and sentence the appellant for simple imprisonment of three months with default fine of Rs.500/- only.

4. Shri Manish Pitale, learned counsel appearing for the appellant by referring at paragraph No.5 of the impugned judgment and order would submit that before the

High Court the appellant-accused was not represented. He would further submit that in a matter of this nature, the High Court ought to have appointed an amicus curiae, if, for any reason, the accused person was unable to engage a counsel for him.

5. The High Court at paragraph 5 of its judgment has observed as under:

"Upon admission of the appeal notice of the appeal was duly served on the Respondent. However, the Respondent did not file any appearance and did not engage any Advocate to represent him. On 28th January, 2009 this Court had ordered that Legal Services Authority may provide an Advocate to the respondent, since in the event of conversion of Respondent's acquittal in conviction he may require legal aid. However, the Legal Services Sub-Committee does not seem to have provided Advocate to the respondent, and possibly rightly, since the respondent is involved in an offence under the Prevention of Food Adulteration Act and therefore, may not be entitled to legal aid as of right."

3

6. In our view, when an accused was unrepresented before a Court, it was the duty of the Court to have appointed an amicus curiae to assist the accused person. Since that has not been done in the instant case, we take exception to the impugned judgment and order passed by the High Court. Accordingly, we set aside the impugned judgment and order and remand the matter to the High Court for fresh disposal in accordance with law.

7. If, for any reason, the accused person is unable to have the assistance of a learned counsel, we request the High Court to appoint an amicus curiae to assist the accused person.

8. The Criminal Appeal is disposed of accordingly.

.....CJI.  
(H.L. DATTU)

.....J.

NEW DELHI,  
SEPTEMBER 09, 2015.

4

ITEM NO.11

COURT NO.1

SECTION IIA

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

Criminal Appeal No(s). 2276/2009

RAMCHABILA JAGNATH YADAV

Appellant(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

Date : 09/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr.Manish Pitale, Adv.  
For Mr. Chander Shekhar Ashri,Adv.

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar,Adv.

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

The appeal is disposed of, in terms of the signed order.

(G.V.Ramana)  
AR-cum-PS  
(Signed order is placed on the file)

(Charanjeet Kaur)  
AR-cum-PS