

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). 36/2008

STATE OF RAJASTHAN

Appellant(s)

VERSUS

JAFRU

Respondent(s)

WITH

Crl.A. No. 37/2008

(With Office Report)

Date : 19/05/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

HON'BLE MR. JUSTICE ASHOK BHUSHAN

(VACATION BENCH)

For Appellant(s) Mr. Jayant Bhatt, Adv.
Mr. Milind Kumar, Adv.

For Respondent(s)

Crl. A. No. 36/08 None for the respondent-in-person

Crl. A. No. 37/08 Mr. Rameshwar Prasad Goyal, Adv. (NP)

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

Office report as well as the affidavit of service filed on 13th August, 2012 indicates that notice of Criminal Appeal No. 36/2008 was not personally served on the respondent(accused) who stands acquitted by the impugned order(s) of the High Court under appeal but the summons of this appeal were served on his mother.

In our view, it is necessary for the State to serve the respondent-in-person in the first instance as provided under Section 62(2) of the Criminal Procedure Code. It is only when after due diligence, respondent cannot be found on the addresses mentioned, recourse can be taken to effect service as per the procedure provided under Section 64 of the Criminal Procedure Code. In this case, we find that no efforts were made to serve the accused personally, and straightway recourse was taken to serve the accused under Section 64 (ibid). It is for this reason, perhaps the respondent has not appeared and not represented. Be that as it may, it is necessary to effect service of notice to the respondent to either appear in person or through counsel. The State is, therefore, directed to effect personal service on the notice of the appeal on the respondent-Jafru (accused) within a month. Steps be taken in that regard.

List the appeals for final hearing as soon as the notice is served personally on the respondent.

(DEEPAK MANSUKHANI)
COURT MASTER

(SUMAN JAIN)
COURT MASTER