

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

Criminal Appeal No(s). 36/2008
STATE OF RAJASTHAN

Appellant(s)

VERSUS

JAFRU
WITH
Crl.A. No. 37/2008
(With Office Report)

Respondent(s)

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 13 th

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.

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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)

(SUMAN JAIN)

COURT MASTER

COURT MASTER