

SECTION-IIB
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISCELLANEOUS PETITION NO. 15289 OF 2013

(Application for recall of Court's Order dated 24.05.2013)

IN

CRIMINAL APPEAL NO. 167 OF 2006

BALDEV SINGH

... Appellant

VERSUS

STATE OF HARYANA

... Respondent

OFFICE REPORT

This is an appeal under section 379 of Cr.P.C. read with Section 2A of the Supreme Court(Enlargement of Criminal Appellate Jurisdiction) Act 1970.

It is submitted that the instant appeal was listed before the Hon'ble Court on 24.05.2013, when the Court was pleased to pass the following Order:

"None present to press the appeal and the appellant had been acquitted by the Trial Court under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985, but the High Court convicted him.

This Court had enlarged the appellant on bail. Today, when the appeal came for hearing no one is present to press the appeal on behalf of the appellant. We have no option but to issue non-bailable warrants of arrest against the appellant. A copy of this order be sent to the Chief Judicial Magistrate, Sirsa, who is directed to take him into custody and send him to jail. His bail bonds are cancelled.

List the appeal in ordinary course."

It is submitted that in compliance of the Order quoted above, non-bailable warrant of arrest against the appellant was issued through the Chief Judicial Magistrate, Sirsa on 27.05.2013 but compliance report of non-bailable warrant of arrest has not been received, so far.

It is further submitted that Mr. Arun K. Beriwal, Advocate for appellant has on 09.07.2013 filed an application for recall of Court's Order dated 24.05.2013 without filing proof

of surrender of the appellant and the same has been registered as Criminal Miscellaneous Petition No. 15289/2013. Copy of the same has been placed with appeal paper books. The counsel has also on 20.07.2013 filed a letter dated 19.07.2013 stating therein that the appellant has not been arrested by the police so far due to his bad health and falling medical condition. Copy of the letter dated 19.07.2013 is being circulated herewith for kind perusal of the Hon'ble Court.

It is further submitted that Mr. Ankur Prakash, Advocate has on 08.08.2013 filed Vakalatnama/Appearance on behalf of appellant without obtaining No Objection from erstwhile Advocate Mr. Arun K. Beriwal.

It is further submitted that Mr. Ankur Prakash, Advocate has stated on Vakalatnama/Appearance that Mr. Arun Kr. Beriwal, Advocate has joined the Bench of Higher Judicial services Jaipur, Rajasthan.

It is further submitted that certificate of service in respect of sole respondent-State has been received from the High Court but no one has filed Vakalatnama/Appearance on behalf of the sole respondent-State.

It is further submitted that Original Record from Trial Court has been received and the same is available in the Court Room for reference of the Hon'ble Court.

It is further submitted that the counsel for the Appellant has filed additional documents. Copy of the same has been included in paper books.

The application above-mentioned is listed before the Hon'ble Court with this office report.

DATED this the 10th day of August, 2013.

ASSISTANT REGISTRAR

COPY TO:

1. Mr. Ankur Prakash, Advocate

2. *Mr. Kamal Mohan Gupta, Advocate

*You are requested to file Vakalatnama/Appearance on behalf of the sole respondent.

ASSISTANT REGISTRAR