

ITEM NO.28

COURT NO.10

SECTION II

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 SM.A.NO.788/2018 in SLP(Cr1.)NO.7951/2016

BACHCHE LAL YADAV

Petitioner(s)

VERSUS

AKHAND PRATAP SINGH & ANR.

Respondent(s)

(IA No.38998/2018-APPLN(S) . FOR EXTENSION OF TIME)

Date : 14-05-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Anoop Kr. Srivastav, AOR
Mr. Z.K. Faizan, Adv.
Mr. Vijay Pal Sharma, Adv.
Mr. Umesh Chandra Srivastava, Adv.
Mr. Vipin Kr. Saxena, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Heard.

As prayed, time is extended by three months from today since the case is said to be at the argument stage.

In the present case, we find that one of the reasons for delay in trial was that one of the accused was absconding. In the letter of the trial court dated 6th December, 2017, it has been stated that when the case was at the evidence stage, accused Akhand Pratap Singh, did not appear on various dates. A notice under Section 82 of the Cr.P.C. was issued as the accused, Akhand Pratap Singh, was still absconding.

We have observed that criminal trials remain pending for long time because of one or more accused absconding. To overcome the situation, in Hussain and Anr. v. Union of India, (2017) 5 SCC 702, we observed that an amendment be considered at par with Section 339-B of the Cr.P.C. as applicable in Bangladesh providing for trial *in absentia* of an accused who absents during the trial.

We direct Union of India through Ministry of Law and Justice to apprise this Court of the status of such consideration.

We request Mr. P.S. Narasimha, learned Additional Solicitor General, to assist the Court in the matter.

The Registry is directed to send a copy of this order to Ministry of Law and Justice, Union of India, so that an affidavit is filed in the matter by June 30, 2018.

List again on Tuesday, the 3rd July, 2018, for consideration of this issue.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER