

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10193/2020

(Arising out of impugned final judgment and order dated 18-12-2019 in CRMA(R) No. 1/2019 18-12-2019 in CRLMA No. 2/2019 passed by the High Court Of Gujarat At Ahmedabad)

RAJURAI BHILARAI JAISWAL

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(FOR ADMISSION and I.R. and IA No.99509/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.99508/2020-EXEMPTION FROM FILING O.T. and IA No.99512/2020-EXEMPTION FROM CUSTODY CERTIFICATE and IA No.99507/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 12-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Rajendra Prasad, Adv.  
Dr. Amardeep Gaur, Adv.  
For M/S. V. Maheshwari & Co., AOR

For Respondent(s)

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

Applications for exemption from filing certified copy of the impugned judgment, exemption from filing official translation and application for permission to file additional documents/facts/annexures are allowed.

Learned counsel for the petitioner submits that though the petitioner absconded during the period of furlough and did not surrender on 31<sup>st</sup> March, 1998, his appeal was never examined on

merits but was dismissed on this account alone on 22<sup>nd</sup> May, 2008. While doing so, the Court had observed that when the petitioner surrenders to the jail authority or is arrested by the police, he shall be at liberty to prefer an application for revival of appeal. More than a decade passed till finally the police apprehended him on 26<sup>th</sup> September, 2019 and the endeavour to get the appeal heard on merits has been rejected vide the impugned order dated 18<sup>th</sup> December, 2019. It is the further submission of the learned counsel for the petitioner that the petitioner was a juvenile on the date of offence being less than 16 years old.

Issue notice returnable in four weeks.

Dasti service in addition through the standing counsel for the State of Gujarat.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR