

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2024
(@ SPECIAL LEAVE PETITION(CRL.) NO(S). 12747 OF 2023)

VISHNU @ PAPPU

... .APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH

.... .RESPONDENT(S)

ORDER

1. Leave granted.
2. Heard the learned counsel appearing for the parties.
3. The appellant was prosecuted for the offences punishable under Sections 326 and 452 of the Indian Penal Code, 1860 (for short 'IPC').
4. The appellant was convicted by the order dated 13.12.2000 by the Trial Court. An appeal preferred by the appellant against the order of conviction was dismissed by the Sessions Court by the order dated 06.08.2002. Thereafter, a revision application was filed by the appellant in the year 2002 for challenging the order of conviction. By the impugned order, the High Court has dismissed the revision application.

5. The impugned order records that the Advocate for the appellant was not present. In such a case, two courses were open for the High Court. One was to examine the merits of the case and decide it on merits. But in such a case, the judgment must show application of mind after considering the evidence of record. The other option was to appoint an Amicus Curiae to espouse the cause of the appellant. However, both options were not exercised.

6. The impugned order shows that the High Court has not at all examined the prosecution evidence. Therefore, we have no option but to set aside the impugned order and restore the revision application. Accordingly, the order dated 29.03.2002 is hereby set aside and Criminal Revision No. 1207 of 2002 is restored to the file of the High Court of Judicature at Allahabad. We direct the Registrar(Judicial) of the High Court to list the restored revision petition before the Roster Bench on 22.03.2024 for directions regarding fixing a date for final hearing. We also direct the appellant and the respondent to appear before the Roster Bench on that day.

7. Considering the fact that the First Information Report was lodged in 1993 and also considering the fact that the revision application is of the year 2002, the High Court will give necessary priority to the disposal of the revision application.

8. Till the disposal of the revision application, the interim bail granted by this Court on 03.10.2023 will continue to operate.

9. We make it clear that if on the date fixed for hearing of the revision application, the appellant is not represented by any advocate, the High Court will be free to exercise one of the two options indicated above.

10 The appeal is, accordingly, partly allowed.

11. All contentions on merits are kept open.

12. Pending application(s), if any, shall stand disposed of.

.....J.
[ABHAY S. OKA]

.....J.
[UJJAL BHUYAN]

NEW DELHI;
FEBRUARY 09, 2024.

ITEM NO.42

COURT NO.7

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 S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 12747/2023

(Arising out of impugned final judgment and order dated 29-03-2022 in CRLRN No. 1207/2002 passed by the High Court Of Judicature At Allahabad)

VISHNU @ PAPPU

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and IA No.197275/2023-EXEMPTION FROM FILING O.T. and IA No.197277/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Nitin Saluja, Adv.
Mr. Akshay Dev, Adv.
Mr. Pranya Madan, Adv.
Mr. Parijat Kishore, AOR

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, Sr. A.A.G.
Mr. Vishnu Shankar Jain, AOR
Mr. Himansu Upadhyaya, Adv.

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

Leave granted.

The appeal is partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

(Signed order is placed on the file)