

Tyron Nazareth

Vs

State of Goa

Criminal Appeal No. ... of 1993

(A.M. Ahmadi, R.M. Sahai JJ)

26.10.1993

ORDER

1. Special leave granted.

2. We have heard the learned counsel for the State. We have also perused the decisions of this Court in Khatri (II) v. State of Bihar and Sukh Das v. Union Territory of Arunachal Pradesh. We find that the appellant was not assisted by any lawyer and perhaps he was not aware of the fact that the minimum sentence provided under the statute was 10 years' rigorous imprisonment and a fine of Rs. 1 lakh. We are, therefore, of the opinion that in the circumstances the matter should go back to the tribunal. The appellant if not represented by a lawyer may make a request to the court to provide him with a lawyer under Section 304 of the Criminal Procedure Code or under any other legal aid scheme and the court may proceed with the trial afresh after recording a plea on the charges. The appeal is allowed accordingly. The order of conviction and sentence passed by the Special Court and confirmed by the High Court are set aside and a de novo trial is ordered hereby.

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