

SUPREME COURT OF INDIA

Tehzibul Husain

Vs.

State of U.P.

(G.T. Nanavati and S.N. Phukan JJ.)

07.01.2000

ORDER

G.T. NANAVATI, J.

1. Leave granted.

2. Heard learned Counsel for the parties.

3. The appeal filed by the appellant was disposed of by the High Court without giving the appellant an opportunity of hearing. The advocate appearing on behalf of the appellant had died when the matter was pending before the High Court. Intimation should have been given to the appellant to make alternative arrangements. It appears no such intimation was given and the appeal was disposed of without hearing the appeal. Learned Counsel appearing for the respondent has not disputed this position. Therefore, this is a fit case where the judgment of the High Court deserves to be set aside. We, therefore, allow these appeals, set aside the judgment and order passed by the High Court and remand the matters back to the High Court for re-hearing of Criminal Appeal No. 2184 of 1980. Record to be sent to the High Court as early as possible.