

SUPREME COURT OF INDIA

Jogi

Vs.

State of Uttar Pradesh

S.L.P.(Crl.) No. 5179 of 2003

(S. N. Variava and Arijit Pasayat JJ.)

16.07.2004

ORDER

1. Heard parties.
2. The Appellants have been convicted under Section 302 read with Section 34 of the Indian Penal Code and have been sentenced to life imprisonment. In a serious matter like this the Advocate of the Appellants did not appear before the High Court even after the matter was adjourned and a fresh date was given. The High Court therefore, proceeded to decide the matter on merits after going through the records with the help of the prosecution.
3. We deprecate the practice of the Advocate not to appear in Court in a serious matter like this. At the same time, the Appellants should not be made to suffer by not being properly represented before the High Court.
4. We, therefore, set aside the impugned order and remit the matter back to the High Court for disposal on merits. The concerned Advocate i.e. Mr. Siddharth Shukla shall personally pay costs fixed at Rs.2000/- to the Legal Aid Society of the High Court of Allahabad.
5. The matter to be placed on board on 20th September, 2004. The parties are directed to appear before the Court on that day.
6. The Appellants to be released on bail on the same terms and conditions which were prevailing during the pendency of the Appeal.
7. The Appeal stands disposed of accordingly.