

SUPREME COURT OF INDIA

Sukhdev Singh

Vs.

State of Haryana

Criminal Misc Petition No. 4562 of 2007

(Dr. Arijit Pasayat and D.K.Jain)

01/06/2007

JUDGEMENT

Dr. ARIJIT PASAYAT, J.

1. Challenge in this appeal is to the judgment of a learned Single Judge of the Punjab and Haryana High Court dismissing the appeal filed by the appellant. The appeal was filed by the appellant against the judgment of the learned Sessions Judge, Sirsa convicting him for offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short the 'Act') and sentencing him to undergo imprisonment for ten years and to pay a fine of Rs.1,00,000/- with default stipulation.

2. Appeal before the High Court was disposed of in the absence of learned counsel for the appellant. The order itself noticed that with the assistance of learned counsel for the State, learned Single Judge perused the records and delivered the judgment.

3. From the order of the High Court it appears that notice was issued to the appellant for engaging another counsel as the High Court noticed that he was not represented. It is noted in the order that there was no evidence to show that the notice was served on the appellant or not, yet the High Court disposed of the matter ex parte.

4. In support of the appeal, learned counsel for the appellant submitted that no notice was received by the appellant regarding non-appearance of his lawyer. In any event the lawyer who was earlier appearing had withdrawn from the case without any intimation to the appellant.

5. Though several other points are raised in support of the appeal, it is not necessary to refer to them. Since the High Court itself was not sure whether notice was served or not, it should not have taken up the matter ex parte. The matter is remitted to the High Court for fresh consideration on merits. As the matter is pending since long before the High Court, let the parties appear before the High Court without further notice on 16th July, 2007. The Hon'ble Chief Justice is requested to list the matter before an appropriate Bench.

6. The appeal is disposed of accordingly.

7. In view of this order, no order is necessary to be passed in CrI.M.P.No.4562 of 2007.