

SUPREME COURT OF INDIA

P.Devarajan

Vs.

State of Kerala

Crl.A.No.642 of 2013

(H.L.Dattu and Jagdish Singh Khehar JJ.)

26.04.2013

ORDER

1. Leave granted.

2. In this appeal, the appellant is calling in question the correctness or otherwise of the impugned order passed by the High Court in Criminal Revision Petition No.2602 of 2004, dated 12.10.2009.

3. The learned Sessions Judge vide order dated 29.01.2004 had dismissed the application filed by the appellant for discharge of the offence under Section 366-A of the Indian Penal Code, 1860. Being aggrieved by the said order, the appellant had approached the High Court by filing Criminal Revision Petition No.2602 of 2004.

4. The High Court, by impugned judgment and order dated 12.10.2009 had permitted the learned counsel for the appellant to withdraw the Criminal Revision Petition.

5. However, In the appeal filed by the appellant, the appellant has stated on oath that he had not authorized any learned counsel to withdraw the Revision Petition filed by him before the High Court. Therefore, it is stated that the High Court ought not to have entertained the application made by the learned counsel for withdrawal of the Criminal Revision Petition.

6. Having heard learned counsel for the parties to the lis, we are of the opinion that the learned counsel, who had withdrawn the Criminal Revision Petition before the High Court, was not authorized by the appellant to withdraw the same. Therefore, while accepting the contentions canvassed by the learned counsel for the appellant, we set aside the impugned judgment and order passed by the High Court and remand the matter back to the High Court with a request to decide the Criminal Revision Petition on merits.

7. The Criminal Appeal is disposed of accordingly. All the contentions of the parties are left open.