

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal Nos 750-751 of 2020
(Arising out of SLP (Crl) Nos 4292-4293 of 2020)

Parveen

Appellant(s)

Versus

State of Haryana

Respondent(s)

ORDER

- 1 Leave granted.
- 2 By a judgment dated 12 January 2015, the appellant has been convicted for an offence under Section 25 of the Arms Act by the Judicial Magistrate First Class, Rohtak in Criminal Case No 85-2 of 2013 and has been sentenced to suffer simple imprisonment for a period of three years.
- 3 Criminal Appeal No 24 of 2015 was filed against the judgment of conviction before the Additional District and Sessions Judge, Rohtak. During the pendency of the appeal, the appellant was admitted to bail. The Additional Sessions Judge upheld the conviction while dismissing the appeal on 10 July 2017.
- 4 The appellant filed a revision, CRR No 1316 of 2018, before the High Court of Punjab & Haryana. During the pendency of the revision, the appellant was enlarged on bail on 16 April 2018. The revision was filed before the High

Court through the Legal Services Authority, Rohtak. The High Court by its order dated 11 February 2020, dismissed the revision in the absence of the appellant and his advocate, observing as follows:

“Perusal of file shows that this revision has been taken on board six times, including today. On four occasions, none came forward to represent the petitioner in the span of approximately one year and four months. Therefore, it can safely be inferred that petitioner or his counsel is no more interested in pursuing this revision.

Dismissed for want of prosecution.

Learned Chief Judicial Magistrate, Rohtak, is directed to issue warrants of arrest of the petitioner to undergo remaining sentence.

A copy of this order be sent to learned Chief Judicial Magistrate, Rohtak, for compliance.”

- 5 On 16 July 2020, the High Court dismissed the application for restoration of the revision on the ground that no ground for restoration has been established.
- 6 Notice was issued by this Court on 12 October 2020. In pursuance of the notice, Mr Vishal Mahajan, learned Additional Advocate General for the State of Haryana has appeared on behalf of the first respondent – State.
- 7 The High Court, in our view, was manifestly in error in rejecting the revision in default, on the ground that the appellant’s advocate had remained absent on the previous four occasions. Since the revision before the High Court arose out of an order of the conviction under the Arms Act, the High Court ought to have appointed an Amicus Curiae in the absence of counsel, who has been engaged by the Legal Services Authority, Rohtak. The liberty of a citizen cannot be taken away in this manner.

8 In the circumstances, we are of the view that it would be appropriate to allow this appeal and set aside the impugned orders of the High Court dated 11 February 2020 and 16 July 2020. CRR No 1316 of 2018 is restored to the file of the High Court. Since during the pendency of the Special Leave Petition, the appellant was admitted to bail by this court and the appellant was on bail during the pendency of the revision before the High Court, the order enlarging the appellant on bail shall continue to remain in operation pending the disposal of the revision by the High Court. The appellant shall cooperate in the disposal of the revision.

9 The appeals are accordingly disposed of.

10 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

.....J.
[Indira Banerjee]

New Delhi;
November 16, 2020
CKB

ITEM NO.23

Court 5 (Video Conferencing)

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) Nos.4292-4293/2020

(Arising out of impugned final judgment and order dated 11-02-2020 in CRR No. 1316/2018, 16-07-2020 in CRM No. 7833/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

PARVEEN

Petitioner(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

(With appln.(s) for IA No. 89604/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 16-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Ms. Tina Garg, AOR
Mr. M.K. Ghosh, Adv.
Mr. Rohit Dutta, Adv.

For Respondent(s) Mr. Vishal Mahajan, AAG
Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 The appeals are disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R.-cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)