

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 474/ 2020

(Arising out of SLP (Criminal) No. 3031 of 2020)

(Arising out of SLP (Criminal) Diary No. 7369 of 2020)

SAKUNTHALA

Appellant(s)

VERSUS

STATE REP. BY THE INSPECTOR OF POLICE

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Mr. Thomas Franklin Caesar, learned counsel, appears on behalf of the appellant. He has submitted before us that given our judgment in *K. S. Panduranga v. State of Karnataka* (2013) 3 SCC 721, an appeal against an order of conviction cannot be dismissed in default but must be taken up and decided on merits even if the appellant in-person or the counsel representing him, is not present.

Given this judgment, we are inclined to agree with the appellant.

Nobody appears on behalf of the State though served.

We, therefore, set aside the judgment and order dated 22.04.2014 and remand the matter to be disposed of on

merits.

Meanwhile, considering that the appellant has been in jail for a period of almost 11 years, we grant bail subject to the satisfaction of the trial Court.

The appeal stands disposed of.

....., J.
[ROHINTON FALI NARIMAN]

....., J.
[NAVIN SINHA]

....., J.
[B.R. GAVAI]

New Delhi;
July 08, 2020.

ITEM NO.14

Virtual Court No. 4

SECTION II-C

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 7369/2020
(Arising out of impugned final judgment and order dated 22-04-2014
in CRLAMD No. 460/2008 passed by the High Court of Judicature at
Madras at Madurai)

SAKUNTHALA

Petitioner(s)

VERSUS

STATE REP. BY THE INSPECTOR OF POLICE

Respondent(s)

(FOR ADMISSION and I.R. and IA No.42776/2020-CONDONATION OF DELAY
IN FILING and IA No.42777/2020-EXEMPTION FROM FILING O.T.)

Date : 08-07-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Thomas Franklin Caesar, Adv.
Mr. S. Gowthaman, AOR
Mr. P. Arun Kumar, Adv.

For Respondent(s)

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

Delay condoned.

Leave granted.

The appeal stands disposed of in terms of the signed
order.

Pending application stands disposed of.

(NIDHI AHUJA)
AR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

[Signed order is placed on the file.]