
(2005) 09 SC CK 0027

In the Supreme Court Of India

Case No : Criminal Appeal No. 1146 of 2005

Satbir

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 05-09-2005

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (2006) 3 ACR 3408 : (2006) 9 SCC 234

Hon'ble Judges : S. H. Kapadia, J;B. P. Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

B.P. Singh and S.H. Kapadia, JJ.—Leave granted.

2. Heard counsel for the parties.

3. By the impugned order of the High Court, the Appellant has been found guilty of the offence punishable u/s 302, I.P.C. and sentenced to undergo imprisonment for life and to pay a fine of Rs. 250. We notice from the judgment and order of the High Court that the appeal was received from jail. The learned Judges heard the State counsel and went through the evidence on record and the findings recorded by the trial court. Thereafter they recorded their findings and dismissed the appeal as having no merit.

4. This Court has consistently taken the view that in such cases, where an appeal is received from jail, the High Court may appoint an amicus curiae to assist the Court or may send the matter to the Legal Aid Committee for nominating a counsel to assist the Court and represent the case of the accused. In our view, this practice should have been followed in the instant case also.

5. We, therefore, allow this appeal, set aside the judgment and order of the High Court and observe that the High Court may hear the appeal afresh after appointing an amicus curiae, or directing the Legal Aid Committee to appoint an

advocate to assist the Court and represent the case of the accused. This appeal is accordingly allowed.

6. It appears that the Appellant has been in custody for a long period. We request the High Court to dispose of the appeal as expeditiously as possible.