

(2012) 09 KAR CK 0006
In the Karnataka High Court
Case No : Criminal A. No. 887 of 2012

Shrinivasa and Others

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 27-09-2012

Acts Referred:

Citation : (2012) 09 KAR CK 0006

Hon'ble Judges : S.N. Satyanarayana, J; Dilip B. Bhosale, J

Bench : Division Bench

Advocate : M. Shashidhara, No. 1 and Appellant Nos. 2 and 3, for the Appellant;

Judgement

Dilip B. Bhosale, J.—This appeal has been filed by Mr. M. Shashidhar, Learned Advocate on behalf of all the three accused involved in the case. The appeal is against the Judgment and Order of Conviction dated 08.08.2012, whereby all the three accused have been sentenced to suffer life imprisonment for the offence punishable under Sections 302 and 201 read with Section 34 of IPC. Mr. M. Shashidhar, Learned Advocate who filed the appeal also filed an application (I.A.I/2012) for suspension of sentence. In the appeal and the application he has already given "no objection" to Mr. S. Gangadhara, Learned Advocate to file Vakalat on behalf of appellant Nos. 2 and 3. Mr. S. Gangadhara, has accordingly entered his appearance in the appeal on behalf of appellant Nos. 2 and 3. Thus, now there are two Advocates on record, Mr. M. Shashidhar for appellant No. 1 and Mr. S. Gangadhara for appellant Nos. 2 and 3 in one single appeal. In our opinion, in one appeal, irrespective of the number of appellants, only one Advocate has a right to address the Court on behalf of all the appellants. In other words, even if more Advocates file Vakalat on behalf of all the appellants, only one amongst them has a right to address the Court. All Advocates on record cannot as of right seek permission to address the Court.

2. In a situation, such as the one in present case, the Advocate who files Vakalat, after obtaining "no objection" from the earlier Advocate on record, not for all the appellants but only on behalf of one/few of them, cannot as of right address the

Court. One can file Vakalat on behalf of all the appellants after taking no objection from the earlier Advocate and address the Court. But two or more Advocates, in one appeal, by filing Vakalat on behalf of different appellants, as it happened in the present case, cannot, as of right, be allowed to address the Court. In short, in an appeal (one single appeal), only one Advocate has a right to address the Court. If for any reason, one/few of the appellants in an appeal, desire to engage other Advocate, it is always open to seek deletion of such appellant/s from the array of appellants with liberty to file separate appeal. Similarly, it is always open to the accused to file separate appeals at the inception challenging the judgment of conviction. In a given case, with the permission of Court, one may file Vakalat after obtaining no objection from earlier Advocate on behalf of one/few of the appellants, but even in that event only one Advocate amongst all, will have a right to address the Court.

In the present case, we told both the Learned Advocates that only one of them will be allowed to address arguments on behalf of all the appellants. When we so expressed, Learned Advocate Mr. M. Shashidhar, prayed for permission to delete appellant Nos. 2 and 3 (accused Nos. 2 and 3) from the array appellants in Crl. A. No. 887/2012 and in I.A.I/2012 with liberty to Mr. S. Gangadhara, Learned Advocate to file separate appeal/application on behalf of appellant Nos. 2 and 3 (i.e., accused Nos. 2 and 3). Hence we pass the following:

ORDER

Mr. M. Shashidhar, Learned Advocate appearing in Crl. A. No. 887/2012 is allowed to delete appellant Nos. 2 and 3 (i.e., accused Nos. 2 and 3) in Crl. A. No. 887/2012 and applicant Nos. 2 and 3 in I.A.I/2012 from the array of appellants/applicants. Amendment to be carried out forthwith. Appellant Nos. 2 and 3 are at liberty to file separate appeal/application within a period of one week from today.

I.A.I/2012 for suspension of sentence to come up for hearing on 03.10.2012.