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SLP(C)No. 11685-11686 OF 2003

ITEM No.207

Court No. 7

SECTION XVII

A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.11685-11686/2003
(From the judgement and order dated 01/03/2002 in FA 366/99
of The HIGH COURT OF PATNA)

STATE OF BIHAR

Petitioner (s)

VERSUS

BRAHAMDEO SAH

Respondent (s)

(For Final Disposal)

Date : 17/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Irshad Ahmed, Adv.
Mr. B.B. Singh,Adv.

For Respondent (s)Mr. Ramjee Prasad, Adv.
Mr. Ugra Shankar Pd.,Adv.

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

Heard parties for five minutes.

Leave granted.

The appeals stand disposed of in terms of the signed order. No order as to costs.

(K.K. Chawla)
Court Master

(Suraj Parkash)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8370-8371 OF 2003
(ARISING OUT OF SLP (C) NOS.11685-11686 OF 2003)

STATE OF BIHAR

Appellant (s)

VERSUS

BRAHAMDEO SAH

Respondent (s)

O R D E R

Leave granted.

Heard parties.

The High Court has dismissed the appeal by refusing to condone a delay of only 78 days. In our view, in a matter like this, a small delay of 78 days should have been condoned by the High Court. We, therefore, set aside the impugned orders and condone the delay of 78 days. We remit the matter back to the High Court for disposal on merits. The appeals stand disposed of accordingly. No order as to costs.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
October 17, 2003.