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SLP(Crl.)No. 3161 OF 2001
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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 1015 of 2001@@
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(Arising out of SLP(Crl) No. 3161 of 2001)

Dalu & Ors.Appellant (s)

Versus

State of RajasthanRespondent(s)

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Delay condoned.
Leave granted.

The appellants were convicted under Sections 304 Part II/149 and 325/149 & 148 IPC. On an appeal being preferred, the conviction and sentence were upheld and the appeal was dismissed. The grievance of the accused-appellants is that the case was not on the daily board on that date and, therefore, without hearing the appellants, the appeal stood dismissed by the High Court. A perusal of the impugned judgment also indicates that as the appeal was an old one, the Court disposed of the same with the assistance of the Public Prosecutor without hearing the accused. Non-hearing of the accused at that stage must have caused serious prejudice. In that view of the matter and having heard the learned counsel for the appellants and the counsel appearing for the State, in the interest of justice, we set aside the impugned judgment of the High Court, remit the matter back to the High Court and

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direct that Criminal Appeal No. 176/86 be re-heard and re-disposed of in accordance with law.

Since the appeal is an old one, the High Court would do well in disposing it of within three months from today. The appeal stands disposed of accordingly.

Needless to mention, we are not expressing any opinion on the merits of the case.

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(G.B. PATTANAIK)@@
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New Delhi
October 05, 2001.

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(RUMA PAL)@@
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ITEM No.202

Court No. 3

SECTION II
A/N MATTER

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.) No. 3161/2001

(From the judgement and order dated 22/09/2000 in SBCRA 176/86
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

DALU & ORS.

Petitioner (s)

VERSUS

STATE OF RAJASTHAN

Respondent (s)

(With Appln(s). for c/delay in filing SLP, exemption
from filing O.T. and bail)
(For Final Disposal)
(With Office Report)

Date : 05/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Mr. Surya Kant,Adv.

For Respondent (s)

Mr. Ranji Thomas, Adv. for
Mr. Javed Mahmud Rao,Adv.

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

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Delay condoned.
Leave granted.

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

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(J.S. Rawat)
Court Master

(V.P. Tyagi)
Court Master

(Signed order is placed on the file)