

SLP(Crl.)No. 2612 OF 2001  
ITEM No.32

Court No. 9

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. 2612/2001

(From the judgement and order dated 12/10/1999 in GA 1527/95  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.

Petitioner (s)

VERSUS

MATLOOB @ BHATTU & ANR.  
( With Appln(s). for c/delay in filing SLP )

Respondent (s)

Date : 21/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. T.N. Singh, Adv.  
Mr. Pramod Swarup,Adv.

For Respondent (s) Mr. Durgainder Singh, Adv.  
Ms. Savita Singh, Adv.  
Mr. Randhir Singh Jain,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
The appeal is allowed in terms of the signed order.

.SP1

Sarita (K.K. Chadha) @@  
AA  
Court Master@@  
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(Signed order is placed on the file)

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.PL56

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@  
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(Arising out of SLP(C) No. 2612/2001)

STATE OF U.P.

...APPELLANT

VERSUS

MATLOOB @ BHATTU & ANR.

...RESPONDENTS

O R D E R@@  
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.

Heard learned counsel for the parties.

The following impugned order passed by the High Court cannot be sustained :

.....L....I....T.....T.....T.....T.....T.....T...J  
.SP1

"This appeal was filed on 17th August, 1999 without mentioning the parentage and addresses of the accused opposite parties. Four years have passed. We do not find any good ground to grant further time to remove the defect in appeal. The application seeking leave to appeal is rejected for want to prosecution. The appeal is rejected."

.....L....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Question is - to what extent this type of short cut for disposing of criminal appeal should be adopted?

It is true that in prosecution of serious cases or in appeal against such orderes, State is the only party to protect the victims. But in case either inadvertently or by negligence, appropriate steps are not taken by the Investigating Officer or the Government pleader is not removing office objection by giving complete address of the accused, it would not be just and proper to dismiss the matter. In such cases, it is easy to adopt a coercive measure for affecting service on the accused either by issuingailable or non-ailable warrants as the case may require and the Investigating Officer is bound to execute such directions. Considering the facts, the impugned order passed by the High Court requires to be set aside. Learned counsel appearing on behalf of the respondents states that the respondents would appear before the High Court on a fixed date and would file necessary appearance before the High Court within four weeks from today.

Hence, the appeal is allowed and the impugned order passed by the High Court is quashed and set aside. The High Court to decide the appeal on merits.

.SP1

.....J.

(M.B. SHAH)

New Delhi,  
September 21, 2001.

.....J.  
(R.P. SETHI)