

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. 308/2001

(From the judgement and order dated 27/09/1999 in GA 443/95
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.

Petitioner (s)

VERSUS

KASHI PRASAD & ANR.

Respondent (s)

Date : 07/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. YP Singh,Adv.
Mr. Ajay K. Agrawal.,Adv.
Mr. C. Siddharth,Adv.

For Respondent (s) Ms. Rachana Srivastava,Adv.

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

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

.SP2
Leave granted.
Appeal is allowed in terms of the signed order.

.SP1

(N.K. Goel) (H.K. Bhatia)
Court Master Court Master
(Signed order is placed on the file)

.PA
.PL55
.....L.....I.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 3 of 2002@@
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(Arising out of S.L.P. (Crl.) 308 of 2001)

State of U.P.

Appellant

Vs.

Kashi Prasad & Anr.

Respondents

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

When the State wanted to file an appeal against an order of acquittal in a murder case they found that there was a delay of 22 days in moving for leave to appeal. That delay was not condoned by the High Court of Allahabad as per the impugned order.

The reason given by the High Court for refusal to condone the delay of 22 days is that addresses of the accused have not been furnished even at the time when the High Court took up the matter four and a half years later. Learned counsel for the State submitted that the addresses of the accused have been collected and this appeal was filed by showing such addresses. As a matter of fact respondents - accused appeared before us.

..2/-

:2:

We do not want an appeal filed by the State to be lost merely on the ground of the delay of 22 days. We, therefore, allow this appeal and set aside the impugned order. The leave applied for will stand granted and the delay of 22 days will stand condoned. As the appeal has now become regularised it is open to the High Court to dispose of the appeal on merits.

With the above directions and observations this appeal is allowed.

.SP1

.....J.@@
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(K.T. THOMAS)@@
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.....J.@@
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(S.N. PHUKAN)@@
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NEW DELHI@@
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JANUARY 7, 2002 @@
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