

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 (Crl.) No. 2687/2000

(From the judgement and order dated 20/07/1998 in CRLA 342/98
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

BHAYLUBHAI CHIMANBHAI KUKANA

Petitioner (s)

VERSUS

STATE OF GUJARAT

Respondent (s)

(With Appln(s). for c/delay in filing SLP)
(With Office Report)

Date : 04/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)

Mr. S. Muralidhar, Adv. (A.C.)

For Respondent (s)

Ms. Hemantika Wahi, Adv.
Ms. Sumita Hazarika, Adv.

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

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

Delay condoned.
Leave granted.
The appeal stands allowed in terms of the signed
order.

.SP1

(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)

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CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. _____ of 2000@@
CC
(Arising out of SLP(Crl.) No.2687 of 2000)

Bhaylubhai Chimanbhai Kukana ...Appellant (s)

Versus

State of Gujarat ...Respondent(s)

O R D E R~@@
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Delay condoned.

Leave granted.

The appellant has been convicted under Section 302 IPC and has been imprisoned for life for having killed his wife by strangulation. Against his conviction and sentence, the appellant preferred an appeal and the appeal has been disposed of by the High Court without examining the evidence on record by a very cryptic order, which cannot be held to be an order of the appellate court in accordance with law. In this view of the matter and having heard Mr. Muralidhar, learned counsel for the appellant and learned counsel appearing for the State, we set aside the impugned order of the High Court and direct that the High Court would do well in disposing of

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(2)

the Criminal Appeal No. 342 of 1998 within a period of three months from today.

This appeal stands allowed accordingly.

.SP1

.....J@@
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(G.B. PATTANAİK)@@
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New Delhi,
December 04, 2000.

.....J@@
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(B.N. AGRAWAL)@@
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