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SLP(Crl.)No. 27 OF 2000

ITEM No.43

Court No. 1

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. 27/2000

(From the judgement and order dated 09/04/1999 in SBCRA 1315/98
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

STATE OF RAJASTHAN

Petitioner (s)

VERSUS

SUBHASH CHANDRA

Respondent (s)

(With Appln(s). for exemption from filing O.T.)
(For Final Disposal)
With

SLP(Crl.)No. 3763/2000

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

Date : 23/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Ms. Sandhya Goswami,Adv.

For Respondent (s) Mr. Sarvesh Bisaria, adv.
Ms. Nidhi, adv.
Mr. K.R. Nagaraja, adv.

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

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We agree with learned counsel for the petitioner that the High Court ought not to have dismissed the first appeal for delay of 37 days on the ground that defects had not been removed. The High Court in doing so allowed sheer technicality to over-ride justice. That was not a proper course to

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adopt. However, with a view to satisfy our judicial conscience we have gone through the record including the judgment of the trial court, dying declaration and other material. In our opinion, the view expressed by the trial court is a sound view and therefore, we do

not find any reason to interfere with the order of acquittal. Both the special leave petitions, therefore, fail and are dismissed.

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(Kanchan Jain)
AR-cum-PS

(Prem Prakash)
Court Master