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SLP(Crl.)No. 4146 OF 2000

ITEM No.31

Court No. 4

SECTION IIA  
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. 4146/2000

(From the judgement and order dated 23/06/2000 in CRLA 202/89  
of The HIGH COURT OF PATNA)

MAHENDRA SINGH & ORS.

Petitioner (s)

VERSUS

STATE OF BIHAR

Respondent (s)

( With Appln(s). for stay )  
( With Office Report )

Date : 16/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. Saket Singh,Adv.for  
Ms. Niranjana Singh,Adv.

For Respondent (s) Kumar Rajesh Singh,Adv.for  
Mr. B.B. Singh,Adv.

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

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

Leave granted.  
The appeal is allowed.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@  
AA  
COURT MASTER COURT MASTER

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.198/2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(arising out of SLP(CRL) No. 4146/2000)

Mahendra Singh & Ors. ...Appellants

Vs.

State of Bihar ...Respondent

O R D E R@@  
EEEEEEEEEEEE

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

Leave granted.

The appellants stood convicted under section 324, IPC and were sentenced to imprisonment for 6 months. On appeal, the High Court maintained the conviction but reduced the sentence to period already undergone and directed to pay fine of Rs.500/-, in default to further undergo imprisonment R.I. for 3 months. During the period prescribed for payment of fine, the accused could not deposit the amount in question. Accused filed an application for extension of time by invoking jurisdiction under section 482 Cr.P.C. That application having been rejected, they futher filed application. That application again stood dismissed. They filed 3rd application and when that application stood dismissed they have approached this Court. There cannot be any dispute that the accused were not entitled to file so many applications before the High Court invoking jurisdiction under section 482. But having regard to the facts and circumstances of the present case, and in view of the

- 2 -

statement that the accused were ill-advised to file number of applications before the High Court, and having heard the learned counsel appearing for the State in the interest of justice, we allow this appeal and grant a month's time from today to make the deposit of fine, as directed by the High Court, failing which the default clause would operate.

.SP1

.....J.  
(G.B.PATTANAIAK)

New Delhi,  
February 16, 2001

.....J.  
(U.C. BANERJEE)