

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 16 OF 2012
(arising out of SLP (Crl.) No. 5708 of 2011)

PURAN CHANDRA PANTAPPELLANT(S)

VERSUS

STATE OF UTTARAKHANDRESPONDENT(S)

O R D E R

Leave granted.

The High Court dismissed the criminal appeal filed by the appellant on the sole ground that it was filed after a delay of 2656 days. The High Court noted the fact that the appeal had come to the Court through Superintendent of Jail. It was also obvious that all the while the appellant was in jail undergoing the sentence awarded to him by the trial court. In those circumstances, in our view, the High Court ought not to have dismissed the appeal solely on grounds of limitation, but should have considered the appeal on merits.

We, accordingly, allow the appeal, set aside the High Court order and ask it to examine the appellant's appeal on merits and dispose it of after hearing counsel for the parties, in accordance with law. If there is no counsel for the appellant, the High Court should appoint a counsel for him from the legal aid.

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Since the matter is already quite old, we hope and trust that the High Court will accord it some priority and dispose of the appeal within a period of six months from the date of receipt/production of a copy of this order.

.....J.
(AFTAB ALAM)

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI,
JANUARY 02, 2012
ITEM NO.46

COURT NO.7

SECTION II

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 (Cr1) No(s).5708/2011

(From the judgement and order dated 03/11/2009 in CRMA No.1167/2009 and
CRJA No. 32/2009 of the HIGH COURT OF UTTARAKHAND AT NAINITAL)

PURAN CHANDRA PANT Petitioner(s)

VERSUS

STATE OF UTTARAKHAND Respondent(s)

(With appln(s) for bail, suspension of sentence and office report)

Date: 02/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Mr. Shuvodeep Roy, Adv. (AC)

For Respondent(s)

Mr. Jatinder Kumar Bhatia, Adv.

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

Leave granted.
The appeal is allowed.

(N.S.K. Kamesh)
Court Master

(Sneh Bala Mehra)
Court Master

(signed order is placed on the file)