



Judgment and Order dated 11.4.2007 of the High Court of  
Judicature at Patna, Bihar in Criminal Appeal No.474 of  
2007 whereby the application of the convict - appellant for  
seeking condonation of delay in filing the appeal against his  
conviction under Section 302 of the Indian Penal Code has  
been dismissed. We do not subscribe to the manner and  
simple mode adopted by the High Court in dismissing the  
appeal on short ground of delay. The appellant

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had filed the first appeal as a convict. There was some days  
delay, that should have been condoned because the appellant  
was in jail at the time of filing of the appeal.

In the facts and circumstances of the case, we set  
aside the judgment of the High Court and restore the appeal  
to its original number and request the High Court to decide  
the same on its own merits.

The appeal is accordingly, allowed.

.....J.  
(LO K E S H W A R S I N G H P A N T A)

.....J.  
(B.SUD E R S H A N R E D D Y )

New Delhi,  
February 02, 2009