



(Pardeep Kumar)  
Court Master

(Shashi Bala Vij)  
Court Master

[ SIGNED ORDER IS PLACED ON THE FILE ]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 283 OF 2010  
(Arising out of SLP(CRL) No. 7265 of 2008)

M/S. PARLE SALES SERVICES P. LTD.

... Appellant(s)

Versus

HARISH DATTA & ANOTHER

... Respondent(s)

O R D E R

1. Leave granted.

2. This appeal has been filed against the order dated 10th June, 2008 whereby the delay in filing the Criminal Application No. 337 of 2007 was not condoned by the High Court. There was a delay of 761 days in filing the said application. There can be no dispute that the delay was extra-ordinary. However, in the peculiar facts and circumstances of this case and more particularly in the light of the earlier order dated 13.12.2006 passed by the High Court leaving it open for the respondent herein to file the proper application, the delay should have been condoned. We, therefore, set-aside the impugned order passed by the High Court and condone the delay. The High Court is requested to deal with the application on merits. We make

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it clear that this order shall not be viewed as an expression of opinion on the merits of the application.

3. The appeal stands disposed of accordingly.

.....J.  
(V.S.SIRPURKAR)

.....J.  
(Dr. MUKUNDAKAM SHARMA)

New Delhi,  
February 9, 2010.