
(2012) 01 AHC CK 0664

In the Allahabad High Court

Case No : Criminal Appeal Defective No. 418 of 2010

Dharmendra

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 16-01-2012

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2012) 01 AHC CK 0664

Hon'ble Judges : Ravindra Singh, J;Anil Kumar Agarwal, J

Bench : Division Bench

Advocate : Sanjay Kumar Dubey, for the Appellant;

Final Decision : Allowed

Judgement

1. Heard the learned counsel for the appellant and the learned A.G.A. The application u/s 5 of the Limitation Act has been allowed today.
2. Admit.
3. issue notice.
4. The lower court record has already been received.
5. Connect with Criminal Appeal Nos. 4469 of 2010 and 4720 of 2010
6. Heard the learned counsel for the appellant and the learned A.G.A.
7. The learned A.G.A. prays for and is granted 10 days time to file objection/ counter affidavit.
8. Learned AGA files counter affidavit.
9. Heard the learned counsel for the appellant and the learned A.G.A.
10. This appeal has been filed beyond limitation of 14 days. Co-accused Abrar @ Ibrar and Jaanu, who were convicted and sentenced by the same impugned judgment, have filed their Criminal Appeal No. 4469 of 2010. The same has been

admitted. Co-accused Jalaluddin and Chimma, who have also been convicted and sentenced by the same impugned judgment, have filed their Criminal Appeal No. 4720 of 2010. The same has also been admitted. Sufficient cause has been shown to condone the delay in filing the appeal. Therefore, the delay in filing the appeal is condoned. The appeal shall be deemed to have been filed within the period of limitation.

11. Accordingly, this application is allowed. Office is directed to allot regular number to this appeal.