

(1981) 03 SC CK 0076

In the Supreme Court Of India

Case No : Criminal Appeal No. 348 Of 1981

Rajendra

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 30-03-1981

Acts Referred:

Citation : (1982) 3 SCC 382

Hon'ble Judges : D. A. Desai, J;A. N. Sen, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

D.A. DESAI, J.-Special leave granted.

2. This is an appeal in which the High Court declined to examine the appeal on merits on the ground that there is a delay of 49 days in filing the appeal. The appellant was in jail. He has submitted an application explaining the circumstances in which the delay occurred in filing the appeal. Having regard to those circumstances, we think that the High Court ought not to have dismissed the appeal on the only ground that the appeal is barred by limitation. There is a good ground for condoning the delay. Accordingly, we allow this appeal, set aside the order of the High Court dismissing the appeal as time barred and remit the case to the High Court to admit it as appeal and dispose it of on merits. Liberty to move the High Court for bail.