

The State Of Odisha vs Surendra Munda on 8 September, 2020

Bench: Uday Umesh Lalit, Indu Malhotra

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IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION (CRL.) NO. OF 2
(Arising out of Review Petition (Crl.) D.No. 4235 of 20

IN

CRIMINAL APPEAL NO. 726 OF 2019

STATE OF ODISHA

...Pe

Versus

SURENDRA MUNDA

...Re

O R D E R

Application for permission to advance oral submissions is rejected. There is delay of 255 days in preferring the Review Petition. In view of the explanation offered in the application seeking condonation, we condone the delay.

The original appellant before this Court was convicted for the offence punishable under Section 302 IPC and was sentenced to suffer life imprisonment. The appeal preferred by him was dismissed by the High Court on the ground of delay of 1192 days in preferring the appeal. The matter was thus not considered on merits. That order was set aside by this Court and the matter was remitted to the High Court to consider the appeal on merits.

In a criminal matter, where the life and liberty of a person is in question, INDU MARWAH Date: 2020.09.11 14:50:44 IST Reason:

one right of appeal has always been accepted and appropriate steps must be taken to effectuate that right. The considerations on account of delay and limitation ought not to negate the right of appeal inhering in an accused.

In the circumstances, the order passed by the High Court was set aside and the matter was remitted. In the present Review Petition, the ground taken is as under:-

“4. That the State-petitioner believes that the view taken by this Hon’ble Court in the impugned judgment will have far reaching consequences on the outcome of other

cases, and thus petitioner intends to review of the order passed by this Hon'ble Court." We do not find any merit in the submission so advanced. We, therefore, dismiss this Review Petition and affirm the Order under review.

.....J. [Uday Umesh Lalit]J. [Indu Malhotra] New Delhi;

September 8, 2020.

ITEM NO.1001

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

REVIEW PETITION (CRIMINAL) _____ Diary No(s). 4235/2020 in CrI.A. THE STATE OF ODISHA Petitioner(s) VERSUS SURENDRA MUNDA Respondent(s) (IA No. 20080/2020 - CONDONATION OF DELAY IN FILING REVIEW PETITION IA No. 20084/2020 - ORAL HEARING) Date : 08-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT HON'BLE MS. JUSTICE INDU MALHOTRA By Circulation UPON perusing papers the Court made the following O R D E R IA No. 20084/2020 is rejected.

Delay condoned.

The Review Petition is dismissed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)