

Parasuram Patel And Another vs State Of Orissa on 14 January, 1994

Equivalent citations: 1994 SCC (4) 664

Author: P.B. Sawant

Bench: P.B. Sawant, N.P Singh

PETITIONER:
PARASURAM PATEL AND ANOTHER

Vs.

RESPONDENT:
STATE OF ORISSA

DATE OF JUDGMENT 14/01/1994

BENCH:
SAWANT, P.B.
BENCH:
SAWANT, P.B.
SINGH N.P. (J)

CITATION:
1994 SCC (4) 664

ACT:

HEADNOTE:

JUDGMENT:

ORDER ORDER Special leave granted. In the present case, the High Court dismissed the criminal appeal of the appellants only on the ground that there was default in appearance of the appellants and their counsel. It is now well settled that no 1 (1985) 3 SCC 737: AIR 1985 SC 1576 + Arising out of SLP (Crl.) No. 1444 of 1993 criminal appeal can be dismissed on the ground of default in appearance. The court has to go through the record of the case even in the absence of the appellants or their counsel and decide the matter on merit. Inasmuch as the High Court dismissed the appeal without going into the merit of the matter, the impugned order dated 7-4-1992 is hereby set aside and the matter is remanded to the High Court for decision on merit. In the circumstances of the case, the High Court should dispose of the matter within two months of the receipt of this order. The

appeal is allowed accordingly.