

Madan Lal Kapoor vs Rajiv Thapar & Ors on 31 August, 2007

Bench: C.K. Thakker, Markandey Katju

CASE NO.:
Appeal (crl.) 1150 of 2007

PETITIONER:
MADAN LAL KAPOOR

RESPONDENT:
RAJIV THAPAR & ORS

DATE OF JUDGMENT: 31/08/2007

BENCH:
C.K. THAKKER & MARKANDEY KATJU

JUDGMENT:

JUDGMENT O R D E R CRIMINAL APPEAL NO. 1150 OF 2007 (Arising out of SLP (Criminal) No. 3303 of 2006)

1. We have heard learned counsel for the parties.

2. Leave granted.

3. This appeal is directed against the order passed by the learned Single Judge of the High Court of Delhi in Criminal Revision Petition No. 42 of 2000 dated August 8, 2005. The learned Single Judge dismissed the Criminal Revision Petition filed by the appellant herein by the order which reads thus;

"In spite of notice, nobody appears for the petitioner today. Crl. Rev. P. 42/2000 is accordingly dismissed in default for non-prosecution."

4. The matter relates to administration of criminal justice. As held by this Court, a criminal matter cannot be dismissed for default and it must be decided on merits. Only on that ground the appeal deserves to be allowed.

5. There is, however, an additional reason also. Earlier when the petition was dismissed, the aggrieved appellant approached this Court and in Criminal Appeal No. 309 of 2002 a two-Judge Bench of this Court by an order dated February 22, 2002 allowed the appeal, set aside the order of the High Court and observed that the matter should be decided by the High Court after application of mind and by passing a reasoned order. Unfortunately, in the impugned order, there are no reasons and the merits have not been considered at all.

6. Hence, the appeal is allowed. The order of the High Court is set aside and the matter is remitted back to the High Court. The High Court will decide the matter on merits. Since the matter is very old, we request the High Court to decide it as early as possible preferably within a period of four months.

7. The appeal is allowed accordingly.