

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 1255 OF 2003

STATE OF PUNJAB

Appellant (s)

VERSUS

JASBIR SINGH & ORS.

Respondent(s)

(With office report)

Date: 26/06/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE P. SATHASIVAM
(VACATION BENCH)

For Appellant(s)

Mr. Gagandeep Sharma, Adv.
Mr. Ajay Pal, Adv.
Mr. Kuldip Singh, Adv.

For Respondent(s)

Mr. S.K. Sabharwal, Adv. (NP)

UPON hearing counsel the Court made the following
ORDER

Appeal is allowed in terms of the signed order.

(Ravi P. Verma)
Court Master

(Anand Singh)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1255 OF 2003

STATE OF PUNJAB

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ORDER

State of Punjab has filed this appeal by special leave against
the order dated 14.2.2002 passed by the High Court of Punjab.

2. The High Court rejected the application under Section 378(3)
Cr.P.C. filed by the State seeking permission to file an appeal against

acquittal of the accused-respondents by the Sessions Judge, Ludhiana in Sessions Trial No. 7 of 15.3.1999, by the following order:-

"We have heard the learned State Counsel and perused the Judgment of the Court below. We do not find any discernible legal flaw in the same nor it is based on misreading of the evidence before the Court. No merit. Dismissed."

This Court has in several cases held that the High Court while dealing with appeals against acquittal and refusing leave to appeal, should indicate the reasons for its decision. In State of Rajasthan Vs. Sohan Lal & Ors., (2004) 5 SCC 573, this Court held that refusal of permission and

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rejection of appeal by a non-speaking order, similar to the order in this case, was an order without reasons Following the said decision, it has to be held that the High Court has rejected the application under Section 378(3) Cr.P.C. without reasons.

3. The appeal relates to an incident which occurred on 18.8.1998 and the State had filed the appeal before the High Court in the year 2001 with an application under Section 378(3) Cr.P.C.. In the facts and circumstances of the case and the nature of the appeal, interests of justice require grant of leave sought under Section 378(3) without expressing any views on merits, so that the appeal can be disposed of by the High Court on merits.

4. Accordingly, we allow this appeal and set aside the order dated 14.2.2002 passed by the High Court and grant leave to appeal sought by the State. Consequently, the High Court shall entertain the appeal and dispose it of in accordance with law.

.....J.
(R.V. RAVEENDRAN)

.....J.
(P. SATHASIVAM)

JUNE 26, 2008.