

SUPREME COURT OF INDIA

Anwar Hussain

Vs.

State of U.P.

Crl.A.No.167 of 1981

(D. A. Desai and A. P. Sen, JJ.)

16.02.1981

JUDGEMENT

DESAI, J.:

1. It is admitted that in the appeal against acquittal of present appellant, Anwar Hussain filed by the State of U. P., no notice was served upon him and his acquittal was set aside by the High Court at his back and without hearing him. This is clearly impermissible. Accordingly the appeal is allowed and the matter is remitted to the Court to dispose of the State appeal filed in High Court in accordance with law after notice to the present appellant.

Appeal allowed.