

SUPREME COURT OF INDIA

State of Rajasthan

v.

Chanda

Crl.A.No.1293 of 2007

(A. K. Mathur and Markandey Katju, JJ.)

24.09.2007

ORDER

1. We have heard learned counsel for the parties.

2. Delay condoned.

3. Leave granted.

4. This appeal is barred by time by 260 days. Ordinarily we may not have condoned such a long delay, and we do not appreciate the delays caused in filing Special Leave Petitions by the Government before this Court. Such kind of delay causes grave injustice to the parties. However, in the peculiar facts and circumstances of the case, we condone the delay. This appeal is directed against the judgment and order dated 14th July, 2005 passed by the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur in D. B. Criminal Leave to appeal No. 165 of 2005 whereby the

Division Bench of the High Court had passed a cryptic order dismissing the application for leave to appeal against an acquittal judgment without giving proper reasons and without showing due application of mind. While disposing of an application for leave to appeal against an acquittal, it is expected that the High Court should pass a speaking order showing due application of mind. Of course the said order need not be as elaborate as a full fledged judgment, but at least briefly some reasons should be given. That has not been done in this case. Hence we cannot sustain the impugned order dated 14th July, 2005 passed by the High Court. We set aside the order of the High Court and remit the matter back to the High Court for passing an order after showing due application of mind.

5. The appeal is accordingly, allowed.

Appeal allowed.