

SUPREME COURT OF INDIA

State of Punjab

Vs.

Jasbir Singh

Crl.A.No.1255 of 2003

(R.V. Raveendran and P. Sathasivam JJ.)

26.07.2008

ORDER

1. 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 held that refusal of permission and 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.