

PETITIONER:
UCO BANK

Vs.

RESPONDENT:
IYENGAR CONSULTANCY SERVICES PVT. LTD.

DATE OF JUDGMENT 28/09/1993

BENCH:

ACT:

HEADNOTE:

JUDGMENT:

ORDER

The appellant has been convicted under Section 9 of the Opium Act and sentenced to three years' RI and to pay a fine of Rs 5000, in default to undergo six months' RI. He was found in possession 23 kgs of opium. In the appeal

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before the High Court the only question raised was that though Occurrence took place on 31-5-1974 challan was filed on 29-8-1977, therefore, no cognizance could have been taken in view of Section 468 CrPC. The High Court has considered this aspect and after referring to Section 473 CrPC held that in the facts and circumstances of the case the court can take cognizance if the delay has been properly explained or that it is necessary to do so in the interest of justice. In any event in this case an application was filed for condoning the delay and also explaining the delay at a later stage. According to the learned counsel for the appellant such an application was filed only after almost at the time of conclusion of trial and before judgment was delivered. It may be noted Section 473 CrPC does not in any clear terms lay down that the application should be filed at the time of filing a challan itself. The words "so to do in the interest of justice" are wide enough and the court accepted the explanation. Therefore, there are no merits in this appeal. The appeal is accordingly dismissed.