

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2008
(Arising out of SLP (Crl.) No. 4912 of 2008)

Ambika Mandal

...Appellant

Vs.

The State of Bihar (Now Jharkhand)

...Respondent

JUDGMENT

Dr. ARIJIT PASAYAT, J.

1. Leave granted.
2. Challenge in this appeal is to the judgment of a learned Single Judge of the Jharkhand High Court dismissing the appeal filed by the appellant. The appeal was directed against the judgment of conviction and order of sentence passed by the learned second Additional Sessions Judge, Santhal Pargana, Dumka, convicting the appellant for offences punishable under Sections 304-B and 306 of the Indian Penal Code, 1860 (in short 'the IPC')

and also under Section 3/4 of the Dowry Prohibition Act, 1961 (in short ‘the DP Act’). The appellant was sentenced to undergo rigorous imprisonment for ten years for the first offence and seven years’ for the second offence and six months rigorous imprisonment for the offence punishable under Section 4 of the DP Act.

3. The factual background is not necessary to be dealt with in detail as learned counsel for the appellant’s primary stand was that the appeal was disposed of ex-parte and, he had no notice of transfer of the case from Patna High Court to Jharkhand High Court.

4. Originally, the appeal was pending before the Patna High Court and on reorganization of States, it was transferred to the Jharkhand High Court. The appellant had no notice and, therefore, when the matter was taken up, there was no representation. This position is not disputed by learned counsel for the respondent-State.

5. In the circumstances, we set aside the impugned judgment and remit the matter to the High Court for fresh disposal. To avoid unnecessary delay, let the parties appear before the High Court on 10.12.2008 without further

notice. The Hon'ble Chief Justice of the High Court is requested to allot the case to an appropriate Bench.

6. It is made clear that we have not expressed any opinion on the merits of the case. It is fairly accepted by learned counsel for the appellant that prayer for bail will not be pressed, in case the appeal is taken up for early hearing. In that regard, we have already passed the above order. We request the High Court to explore the possibility of expeditious disposal of the appeal which is fifteen years old, preferably within four months from the date of receipt of copy of our order.

7. The appeal is, accordingly, disposed of.

.....J.

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(Dr. ARIJIT PASAYAT)

.....J.
(Dr. MUKUNDAKAM SHARMA)

New Delhi,
November 28, 2008