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SUPREME COURT OF INDIA

Before: Uday Umesh Lalit & Indu Malhotra, JJ.Review Petition (Criminal)___ Diary No(s). 4235 Decided on: 08.09.2020
of 2020) in Criminal Appeal No. 726 of 2019

State of Odisha

Petitioner

Versus

Surendra Munda

Respondent

Indian Penal Code, 1860 (45 of 1860), Section 302 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 374 -- Limitation Act, 1963 (36 of 1963), Section 5 -- Conviction u/s 302 IPC -- First appeal dismissed by High Court on account of delay of 1192 days -- Matter was remitted to the High Court to consider the appeal on merits -- Review sought by State -- Held, in a criminal matter, where the life and liberty of a person is in question, one right of appeal has always been accepted and appropriate steps must be taken to effectuate that right -- Considerations on account of delay and limitation ought not to negate the right of appeal inhering in an accused -- Review petition dismissed, order under review, affirmed.

(Para 3-6)**ORDER**

1. Application for permission to advance oral submissions is rejected.
2. There is delay of 255 days in preferring the Review Petition. In view of the explanation offered in the application seeking condonation, we condone the delay.
3. The original appellant before this Court was convicted for the offence punishable under Section 302 IPC and was sentenced to suffer life imprisonment. The appeal preferred by him was dismissed by the High Court on the ground of delay of 1192 days in preferring the appeal. The matter was thus not considered on merits. That order was set aside by this Court and the matter was remitted to the High Court to consider the appeal on merits.
4. In a criminal matter, where the life and liberty of a person is in question, one right of appeal has always been accepted and appropriate steps must be taken to effectuate that right. The considerations on account of delay and limitation ought not to negate the right of appeal inhering in an accused.
5. In the circumstances, the order passed by the High Court was set aside and the matter was remitted. In the present Review Petition, the ground taken is as under:-
 - “4. That the State-petitioner believes that the view taken by this Hon'ble Court in the impugned judgment will have far reaching consequences on the outcome of other cases, and thus petitioner intends to review of the order passed by this Hon'ble Court.”
6. We do not find any merit in the submission so advanced. We, therefore, dismiss this Review Petition and affirm the Order under review.

Petition dismissed.
