

## Code of Criminal Procedure, 1898

### Section 421 - Summary dismissal of appeal: Note An order of Appellate Court that the appeal is admitted only on the question of

1969)3 SCC 763. Appeal raising arguable and substantial Question of Law-Summary Dismissal -Not Justified.-The appeal before the High Court was arguable one and raised substantial and important questions. The High Court was not justified in dismissing the appeal summarily. V. Vishwanathan v. The State of Maharashtra, (1969)3 SCC 889. The record of the case demanded reconsideration of evidence. The High Court was justified in summarily dismissing the appeal. Vishwanath Shankar Beldar v. State of Maharashtra, (1969)3 SCC 883. It was incumbent on the High Court to issue notice to the State and hear the appeal with the record before it and after evaluating the evidence record or speaking order so that this Court could also have before it the reasoning of the High Court for upholding the appellant's conviction. The dismissal of appeal by the High Court with the one word 'dismissed' has left the Supreme Court guessing about the line of reasoning which the High Court would have adopted after appropriate scrutiny of the material on the record.-Challappa Ramaswami v. Staff of Maharashtra, (1970)2 SCC 426 : 1970 SCC (Cr.) 472. An order summarily dismissing an appeal by the word "rejected" though not violative of appeal statutory provision removes nearly every opportunity for detection of errors in the order. Such an order does not speak and is inscrutable giving no indication of the reasoning underlying it. It may at times embarrass this Court when the order appealed against prima facie gives rise to arguable points which this court is required to consider without having the benefit of the views of the High Court on these points.-Govinda Kadam v. State of Maharashtra, (1970)1 SCC 469:1970 SCC (Cr) 204: AIR 1970 SC 1033: (1970)2 SCJ A summary rejection by an appellate Court under Section 421 may not be violative of the section, nevertheless when an arguable or substantial question arises for consideration, it is improper for an Appellate Court to dismiss the appeal summarily without giving some indication of its view on the point. 1971 SCC (Cr.) 353. (1) On receiving the petition and copy under Section 419 or Section 420, the Appellate Court shall pursue the same, and, if it considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily : Provided that no appeal presented under Section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same. (2) Before dismissing an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.