

**Ramesh Vs. State of Rajasthan**

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**SooperKanoon Citation :** [sooperkanoon.com/768798](http://sooperkanoon.com/768798)

**Court :** Rajasthan

**Decided On :** Apr-03-1998

**Reported in :** 1998(3)WLC197; 1998(1)WLN346

**Judge :** B.J. Shethna, J.

**Appeal No. :** S.B. Criminal Appeal No. 229 of 1998

**Appellant :** Ramesh

**Respondent :** State of Rajasthan

**Disposition :** Appeal allowed

**Judgement :**

**B.J. Shethna, J.**

1. Admit. Learned Public Prosecutor Shri D.S. Rathore accepts notice.

2. It is unfortunate that in a most cursory manner the learned Judge has dismissed the application filed by the present appellant-accused under Section 446(3), Cr. P.C. He was sick, therefore, on the date of hearing, he could not remain present. Next day, he did appear before the Court. The learned Judge rejected the application for adjournment made on the ground of sickness, on the ground that there was no evidence regarding the same and passed an order of forfeiting the bonds furnished by him. This is not the way of disposal of cases.

3. I am at pains to state that some of the cases have come before this Court arising out of the orders passed by the learned Judge, who is mostly disposing of the cases either on the technical ground like delay, etc. or in such fashion. He is a fairly senior Sessions Judge of the State. It is expected from all that substantial justice should be done by the Court and matters should not be disposed of for the sake of disposal.

4. In view of the above discussion, this appeal is allowed. The impugned order dated 7.2.1998 passed by the learned Judge rejecting the application under Section 446(3), Cr. P.C. filed by the appellant-accused is set aside. He shall now accept fresh bonds from the appellant-accused and decide the case strictly in accordance with law only.

5. Before parting with the order, I must state that this type of orders unnecessarily add backlog to the other important cases which are in thousands pending before this Court since years. If the Courts below take pragmatic approach of the matter then such type of matters will not come to this Court and the most valuable time of the Court would be saved.

6. With the aforesaid observations, the appeal stands allowed.

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