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## **Constitution of India Art 136 - Special leave to appeal by the Supreme Court**

**(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.**

**(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any Court or tribunal constituted by or under any law relating to the Armed Forces.**

### SYNOPSIS

**Exercise of Power:** The appellate power under Article 136 is plenary and the Supreme Court has itself set the limit by permitting invocation of this power in very exceptional circumstances, viz., when a question of law of general public importance arises or a decision shocks the conscience of the Court. But, within the restrictions imposed by itself, the Supreme Court has the undoubted power to interfere even with findings of fact, making no distinction between judgments of acquittal and conviction, if the High Court, in arriving at those findings, has acted “perversely or otherwise improperly”, *Arunachalam v. Sadhanatham*, (1979) 2 SCC 297, 300-04.

**Equitable Relief:** Supreme Court cannot deny a relief to a party if he is entitled to it purely on equitable considerations though not under law. Supreme Court is not only a court of law but also a court of equity, *Chandra Bansi Singh v. State of Bihar*, (1984) 4 SCC 316, 323.

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Power of Supreme Court: The Supreme Court, however, enjoys appellate powers over the High Court as also some other incidental powers, *Imtiyaz Ahmad v. State of U.P.*, (2012) 2 SCC 688.