

State of H.P. vs. Narender Singh

Cr.MP(M) No.713 of 2026

07.09.2026 Present: Mr Lokender Kutlehria, Additional Advocate General, for the petitioner/State.
None for the respondent.

The applicant has filed the present application for condonation of 27 days' delay in filing the appeal. It has been asserted that a certified copy of the impugned judgment was applied for on 06.10.2025. It was attested on 17.12.2025 and was delivered on 18.12.2025. The learned District Attorney/Public Prosecutor, Sirmaur, H.P., examined the certified copy and sent the case file to the District Magistrate, Sirmaur, H.P., who submitted it to the Additional Chief Secretary (Home), Government of Himachal Pradesh, for taking a final decision. The case was examined and was referred to the Law Department for seeking its opinion. The opinion was received, and the case was submitted to the competent authority for consideration and taking action. The competent authority examined the case file and decided that the appeal was to be preferred before the Court. There is a delay of 27 days in filing the appeal, which is due to consultation with various authorities. Hence, it was prayed that the present application be allowed and the delay in filing the appeal be condoned.

2. Mr Lokender Kutlehria, learned Additional Advocate General, for the applicant, submitted that the delay occurred because various authorities had to be consulted before filing the appeal. The delay was not intentional, but due to the circumstances beyond the applicant's control. Hence, he prayed that the present application be allowed and the delay in filing the appeal be condoned.

3. The notice of application was issued to the respondent; however, none appeared on behalf of the respondent on 27.08.2026, when the matter was listed for consideration. Hence, none could be heard on behalf of the respondent.

4. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

5. It was laid down by the Hon'ble Supreme Court in *Oriental Aroma Chemical Industries Ltd. v. Gujarat Industrial Development Corpn.*, (2010) 5 SCC 459, that the Court should allow a certain latitude to the Government because the State represents the collective cause of the community, and the decisions are taken by the officers at a slow pace, causing the delay. It was observed: -

15. The expression “sufficient cause” employed in Section 5 of the Limitation Act, 1963 and similar other statutes is elastic enough to enable the courts to apply the law in a meaningful manner which serves the ends of justice. Although, no hard-and-fast rule can be laid down in dealing with the applications for condonation of delay, this Court has justifiably advocated adoption of a liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate—*Collector (L.A.) v. Katiji* [(1987) 2 SCC 107: AIR 1987 SC 1353], *N. Balakrishnan v. M. Krishnamurthy* [(1998) 7 SCC 123: JT (1998) 6 SC 242] and *Vedabai v. Shantaram Baburao Patil* [(2001) 9 SCC 106].

16. In dealing with the applications for condonation of delay filed on behalf of the State and its agencies/instrumentalities this Court has, while emphasising that same yardstick should be applied for deciding the applications for condonation of delay filed by private individuals and the State, observed that certain amount of latitude is not impermissible in the latter case because the State represents collective cause of the community and the decisions are taken by the officers/agencies at a slow pace and encumbered process of pushing the files from table to table consumes considerable time causing delay—*G. Ramegowda v. Land Acquisition Officer* [(1988) 2 SCC 142], *State of Haryana v. Chandra Mani* [(1996) 3 SCC 132: AIR 1996 SC 1623], *State of U.P. v. Harish Chandra* [(1996) 9 SCC 309: 1996 SCC (L&S) 1240], *State of Bihar v. Ratan Lal Sahu* [(1996) 10 SCC 635], *State of Nagaland v. Lipok AO* [(2005) 3 SCC 752: 2005 SCC (Cri) 906] and *State (NCT of Delhi) v. Ahmed Jaan* [(2008) 14 SCC 582 : (2009) 2 SCC (Cri) 864].

6. In the present case, there is a delay of 27 days, which occurred because various offices had to be consulted before filing the appeal, and constitutes a reasonable ground as laid down by the Supreme Court. Therefore, the applicant is entitled to the condonation of the delay.

7. In view of the above, the present application is allowed, and the delay in filing the appeal is condoned. The present application stands disposed of.

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8. The delay in filing the appeal has been condoned as per the order passed in Cr.MP(M) No. 713 of 2026.

9. It be registered.

10. Issue notice to the respondent, returnable within a period of four weeks, on taking steps within one week.

**(Rakesh Kainthla)
Judge**

07th September, 2026
(Ravinder)