

Ses Ram vs. Dharmender Kumar

Cr.MP(M) No. 2684 of 2025

Reserved on 14.09.2026

23.09.2026 Present: Mr Maan Singh, Advocate for the applicants.
Ms Niranjana, Advocate for the non-applicant.

The applicant has filed the present application for condonation of delay in filing the appeal. It has been asserted that the judgment of acquittal was passed on 05.07.2025. The applicant applied for the certified copy on 05.07.2025, and it was supplied on 14.07.2025. The appeal was required to be filed on or before 12.10.2025. The applicant came to Shimla on 22.09.2025. However, his learned counsel was admitted to the hospital, and the appeal could not be drafted. The applicant again visited Shimla on 18.10.2025, on which date the appeal was drafted. The Courts were closed because of Diwali holidays with effect from 19.10.2025 till 26.10.2025, and the appeal could not be filed during the Court vacation. The delay in filing the appeal is not intentional. Hence, it was prayed that the present application be allowed and the delay in filing the appeal be condoned.

2. The application is opposed by filing a reply taking preliminary objections regarding lack of maintainability and the applicant having not come to the

Court with clean hands. It was asserted that the applicant has failed to explain each day's delay, the appeal could have been preferred within time by exercise of due diligence, and the applicant has concocted a false story to mislead the Court. Hence, it was prayed that the present application be dismissed.

3. I have heard Mr Maan Singh, learned counsel for the applicant and Ms Niranjana, learned counsel for the non-applicant.

4. Mr Maan Singh, learned counsel for the applicant, submitted that the appeal could not be filed within time because of the illness of the learned counsel, which is a circumstance beyond the applicant's control. The appeal was drafted on 18.10.2025, but could not be filed due to the Diwali vacation in the Court. There was a reasonable cause for not filing the appeal within time. Hence, he prayed that the present application be allowed and the delay in filing the appeal be condoned.

5. Ms Niranjana, learned counsel for the non-applicant, submitted that the applicant has failed to explain each day's delay. The reason assigned by the applicant is imaginary and concocted to harass the respondent. Therefore, she prayed that the present application be dismissed.

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

7. As per the report of the Registry, there is a delay of 19 days. The applicant has stated in the application that his counsel was admitted to the hospital. This was not specifically denied by the respondent. The illness of counsel is a circumstance beyond the control of any person, and the applicant cannot be faulted for it.

8. The applicant asserted that he had drafted the appeal on 18.10.2025, which is also supported by the Memorandum of Appeal, which mentions 18.10.2025 as the date of drafting the appeal. The affidavit annexed to the application was also attested on 18.10.2025, which corroborates his version. The Courts were closed with effect from 19th October, 2025, and the applicant cannot be faulted for it.

9. Therefore, the applicant has established sufficient cause for not filing the appeal within time. Hence, the delay in filing the appeal is ordered to be condoned. The present application stands disposed of.

Cr.A (A-SB) ST No. 10251 of 2025

10. The delay in filing the appeal has been ordered to be condoned vide separate order passed in Cr.MP(M) No. 2684 of 2025.
11. Be registered.
12. Copy of the appeal be supplied to the learned counsel for the respondent.
13. The respondent/accused is directed to furnish personal and surety bonds in the sum of ₹25,000/- with one surety in the like amount, undertaking to appear before the Court as and when directed to do so and surrender before the learned Trial Court in case of acceptance of appeal. These bonds be furnished to the satisfaction of the learned Trial Court within four weeks from today. The bail bonds so furnished be transmitted to this Court for record.
14. The record of the learned Trial Court be requisitioned.

(Rakesh Kainthla)
Judge

23rd September, 2026
(Nikita)