

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.10958 of 2015
and
Criminal Misc. No.A-587-MA of 2015 (O&M)

.....

Date of decision:16.9.2015

Himanshu Mehta

...Applicant

v.

Ravi Rattan and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Shalender Mohan, Advocate for the applicant.

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Inderjit Singh, J.

Cr. Misc. No.10958 of 2015:

This order will dispose of application filed under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condonation of delay of 589 days in filing the application seeking leave to file appeal.

It is stated in the application that the present appeal has been filed against the judgement of acquittal dated 7.6.2013 passed by learned Judicial Magistrate 1st Class, Hissar, whereby he dismissed the complaint of the complainant/appellant and acquitted the accused respondents. The judgement passed by the learned Judicial Magistrate 1st Class, Hissar, is totally perverse and has caused miscarriage of justice whereby all the accused have been acquitted of the charges.

It has been submitted that the applicant/appellant filed the present application seeking leave to file appeal within time on 6.7.2013 without delay, but the Registry raised some objection and thereafter, it was again filed on 31.7.2013, 8.10.2013, 5.12.2013 and thereafter, the objection could not come in the knowledge of the counsel and ultimately, when the case came from the Registry, then after removing this objection, the same was again filed on 18.2.2015. But, the Registry raised some objection again on 19.2.2015 and after contacting the applicant/appellant, he is filing the present application seeking leave to file appeal without any further delay and due to the above stated reasons that delay of 589 days has occurred.

I have heard learned counsel for the applicant and have gone through the record.

From the record, I find that there is no explanation or cogent reason nor any ground has been given in the application to explain the delay. In no way, from the period 5.12.2013 to 18.2.2015, it can be said that objection could not come in the knowledge of the counsel. Otherwise also, there is nothing in the application as to what type of objections have been raised by the Registry and why these have not been removed at the earliest. Even the delay upto 5.12.2013 has not been explained, stating as to why the objections were raised and why these could not be removed expeditiously.

Therefore, from the record, I find that there is gross negligence on the part of the applicant and there is no reason or ground to explain such a long delay of 589 days in filing the application seeking leave to file appeal. Therefore, finding no merit in the application for condonation of

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delay, the same is dismissed.

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As the application for condonation of delay has been dismissed, therefore, the criminal miscellaneous application seeking leave to file appeal being time-barred is also dismissed.

September 16, 2015.

(Inderjit Singh)
Judge

hsp