

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30296-2015 (O&M)

Date of decision: September 08, 2015.

Hari Pal

... **Petitioner**

v.

State of Haryana and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: None for the petitioner.

Hemant Gupta, J. (oral)

The petitioner has sought the modification of the order dated 14th August, 2015 whereby an appeal filed by the State was dismissed for the reason that no sufficient cause in the application for condonation of delay of 1342 days in filing the appeal was made out.

While considering the application for condonation of delay, this Court has examined the argument raised by the State that the proclaimed offender cannot be acquitted since he is not present before the Court even if all the other accused are acquitted.

The petitioner is one of the accused who is in appeal before this Court in a Criminal Appeal No.D-801-DB-2011. All questions of law and facts are to be raised by the petitioner in the appeal rather than by filing of the present petition. No application is maintainable for the modification of the order passed in a application for leave to appeal.

Dismissed.

[**Hemant Gupta**]
Judge

[**Raj Rahul Garg**]
Judge

September 08, 2015.
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