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HIGH COURT OF CHHATTISGARH, BILASPUR
Criminal Misc. Petition No. 481 of 2016

State of Chhattisgarh through Station House Officer, Police Station,
 Vidhansabha, District Raipur (CG).

---- **Petitioner**

Versus

Rajendra Kumar Kurre S/o Firantaram Kurre, Aged 25 years R/o Boirdih,
 Police Station Palari, District Baloda Bazar-Bhatapara (CG).

---- **Respondent**

For Petitioner : Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04/11/2016

1. The petition is listed today for consideration on IA No.1, which is an application for condonation of delay in filing the application for leave to appeal.
2. The present petition has been filed seeking for leave to appeal against the judgment of acquittal dated 28.02.2015 passed by the Judicial Magistrate First Class, Raipur, in Criminal Case No.706/2012. Vide the said judgment, the court below has acquitted the respondent from the offence punishable under Sections 279,337 and 338 IPC.
3. It is pertinent to note that the present application for leave to appeal has been filed with delay of 291 days inasmuch as, the said judgment was passed on 28.02.2015. The present application has been filed as late as on 31.03.2016 i.e. after more than one year from the judgment having been passed.
4. A bare perusal of the grounds raised in the application for condonation of delay would itself reflect that no justification or plausible explanation for each days delay has been explained by the counsel for the

petitioner/State seeking for condonation of 291 days delay in filing the application. The only bald and vague ground which have been raised by the State in the application for condonation of delay is the functioning of the State Govt. where it requires departmental formalities which take unexpected long time for getting departmental sanction to file an appeal.

5. Surprisingly, a bare reading of the application would show that the State has not disclosed the date on which certified copy of the order was obtained, when copy of said order was forwarded to the concerned authorities and finally when did they obtain sanction for filing of this application for leave to appeal.
6. In the absence of any such specific details either reflected in the application for condonation of delay or having submitted by the counsel for the State, this court find it difficult to accept the bald and vague averments given in the application for condonation of delay. In addition, it cannot be brushed aside the fact that the order of acquittal is only of offence punishable under Sections 279,337 and 338 IPC.
7. In view of the foregoing reasons, this court does not find any strong case made out for condoning 291 days delay in filing of the application for leave to appeal.
8. Accordingly, IA No.1 for condonation of delay in filing the application is rejected. Consequently, the application for leave to appeal also stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE