

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM Nos.8932 and 8933 of 2012 in/and
CRM-A-101-MA-2012**

Date of Decision: March 15, 2016

M/s Jaiswal

.... Applicant

vs.

Rakesh Kumar

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: None.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

The present application for grant of leave to appeal has been filed against the judgment dated 16.07.2007 passed by learned Addl. Sessions Judge (Adhoc), Jalandhar, acquitting the respondent of the offences punishable under Section 138 of the Negotiable Instruments Act, 1881 (in short 'the N.I. Act') after reversing the judgment of conviction and order of sentence dated 31.10.2006 passed by learned Judicial Magistrate 1st Class, Jalandhar, whereby the respondent was sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹2,000/- for the commission of offence punishable under Section 138 of the N.I. Act, in default thereof to further undergo simple imprisonment for a period of three months.

Along with the present application for grant of leave to appeal, an application for condonation of delay of 1573 days in filing the said application has been filed.

The case was adjourned sine die vide order dated 12.12.2012 and now the same has been again listed for hearing.

In the absence of the learned counsel for the applicant, I have gone through the case file and have also considered the application for condonation of delay.

As per averments made in the application, delay of 1573 has occurred due to mistake of the Clerk of the counsel as the file of the present case was got mixed up with the admitted/decided cases and could not be located. The application is supported by the affidavit of the Clerk of the counsel., who has admitted his mistake.

I am of the view that in this era of computer, when another copy can be easily got printed from the saved files, this ground of mixing up of the file with the other cases, is not tenable. There is huge delay of more than four years. I do not find any ground to condone the delay of 1573 days in filing the application for grant of leave to appeal. Accordingly, the application for condonation of delay as well as the application filed for grant of leave to appeal stand dismissed.

March 15, 2016
sarita

(KULDIP SINGH)
JUDGE