

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

**Criminal Misc. No.40552-2013 in/and
Criminal Misc. No.A-764-MA of 2013 (O&M)
Date of Decision: 12.02.2016**

Union Territory of Chandigarh

...Applicant(s)

Versus

Naunihal & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. J.S. Toor, Addl.PP, UT, Chandigarh
for the applicant.

HARI PAL VERMA J.(Oral)

Prayer in this application is for condonation of delay of 464 days in filing the present application under Section 378(4) CrPC for grant of special leave to appeal against the judgment of acquittal dated 1.3.2012 passed by learned Chief Judicial Magistrate, Chandigarh, whereby the respondent has been acquitted for offence under Sections 7(i) and 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 (for short, "the Act").

Learned counsel for the applicant submits that learned

Chief Judicial Magistrate vide dated 1.3.2012, acquitted the

respondent for offence under Sections 7(i) and 16(1)(a)(i) of the Act. The appeal against the said judgment of acquittal was filed before learned Additional Sessions Judge, Chandigarh on 28.7.2012, however, the same was dismissed on 13.12.2012, being not maintainable, as the remedy of appeal lies before High Court and therefore, the aforesaid delay has occurred.

The explanation given by learned counsel for the applicant does not seem to be plausible, as it is not that the aforesaid delay has occurred due to filing of appeal before wrong forum but even after passing of order dated 13.12.2012 by learned Additional Sessions Judge, the present application was filed after about nine months i.e. on 6.9.2013 which has remained unexplained. In this manner, the delay of 464 days in filing the present application for grant of leave to appeal is inordinate one and the applicant has not been able to sufficiently explain the same. Thus, the present application does not fulfill the requirement of law as laid down under Section 5 of the Limitation Act, 1963 and the same is liable to be dismissed.

In these circumstances, in absence of sufficient cause for condonation of huge delay of 464 days, the present application for condonation of delay is dismissed. Consequently, the present application under Section 378(4) CrPC for grant of leave to appeal also fails and the same is also dismissed.

February 12, 2016

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**(HARI PAL VERMA)
JUDGE**