

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-1943-MA-2014 (O&M)

Date of decision: 15.02.2016

Jaspal Singh

.....Applicant

versus

Jaswinder Singh and another

.....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Manish Kumar Singla, Advocate for the applicant

- 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)

Applicant has filed this application for grant of leave to file appeal against the judgment of acquittal of respondents for the offence punishable under Section 138 Negotiable Instruments Act, 1881. Along with the application an application has been filed under Section 5 read with Section 14 of the Limitation Act for condonation of delay of 384 days in filing the application. The ground for delay is that after the passing of the judgment, the applicant contacted his counsel and counsel told him that he is not sure whether the appeal is to be filed before the Sessions Judge or before the High Court. He was to contact after 15 days. Thereafter, he contacted the counsel in December 2013 at that time there were holidays in the court and thereafter, he could not contact his counsel due to his ailment.

Hence, the delay of 384 days occurred.

Heard.

Along with application, no certificate or medical record regarding ailment of the applicant has been filed. The mere saying that the applicant could not contact his counsel due to ailment is not sufficient to condone such huge delay. There is delay of more than one year. Therefore, there are no sufficient grounds to condone the delay. Hence, the application for condonation of 384 days delay in filing the application for grant of leave to file appeal is dismissed.

Consequently, the application for grant of leave to file the appeal is also dismissed.

15.02.2016

gk

(Kuldip Singh)
Judge