

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

CRM-M No. 23272 of 2016 (O&M)

Date of decision: 14.07.2016

Mohan Lal

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Pankaj Gupta, Advocate for the petitioner.

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**Jitendra Chauhan, J. (Oral)**

By filing the present petition under Section 482 of the Code of Criminal Procedure, the petitioner has sought quashing of the impugned order dated 04.03.2016 (Annexure P-5), whereby the learned Addl. Sessions Judge, has condoned the delay of 101 days in an appeal filed by respondent No.2 against the judgment dated 08.01.2014.

It is contended that the impugned order dated 04.03.2016 was passed against the provision of Article 115 of the Limitation Act, 1963. Respondent No.2 filed a complaint against the petitioner on the basis of which FIR No.391 dated 17.12.2004 was registered, however, the petitioner was acquitted of the charges of forgery and cheating. The petitioner was directed to pay

a fine of Rs.50/- for having committed the offence punishable under Section 13 of Punjab Agricultural Produce Markets Act. He further contends that the prescribed period to file an appeal is 30 days, however, neither the State of Punjab nor respondent No.2 filed any appeal within the stipulated period. Therefore, the impugned order is liable to be set aside as there is a huge delay of 96 days in filing the appeal and the reasons asserted to condone the delay is not justifiable.

Heard.

A bare perusal of the record reveals that the impugned judgment was passed on 08.01.2014 and application for obtaining certified copy thereof was filed on 21.01.2014 which was prepared on 23.01.2014 and supplied to respondent No.2 on 24.01.2014. The copy was then submitted to Deputy Legal Advisor Punjab Mandi Board, Chandigarh and respondent No.2 was asked to seek legal advice. Thereafter, respondent No.2 received telephonic message from DGM (LB) Punjab Mandi Board, Chandigarh on 10.03.2014 and in pursuance of the said message, copies of all eight judgments were sent to DGM (LB), Punjab Mandi Board. Respondent No.2 vide reminder dated 14.04.2014 requested the Deputy Legal Advisor, Punjab Mandi Board to send legal advice which was received after two more reminders on 28.04.2014. It is

apparent that the delay had occurred on account of correspondence between respondent No.2 and higher authorities. The trial Court has given specific findings on the point of delay. This Court finds no perversity or illegality in the impugned order dated 04.03.2016 (Annexure P-5). Accordingly, the instant petition is dismissed.

14.07.2016

*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**