

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR-2613-2013 (O&M)

Date of decision: January 12, 2016.

Shiv Sagar Tarun Sharma

... **Petitioner**

v.

Tarsem Lal and another

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Anupam Bhardwaj, Advocate for the petitioner.

None for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Learned Counsel for the petitioner states that he has got no instructions in the case and the Court may go through the file and may pass appropriate orders.

Impugned in the present petition is the order dated 9.4.2013 passed by learned Additional Sessions Judge, Amritsar whereby in criminal appeal filed against the judgment of acquittal, the application for codonation of delay of 584 days in filing the appeal, was declined. Consequently the application was dismissed.

I have gone through the file and the order passed by the lower court as well as the appellate court. It comes out that one Tarsem Lal was tried for an offence punishable under Section 324/34 IPC in case FIR No.514 dated 11.11.2008 registered at Police Station Civil Lines, Amritsar.

The case was got registered by the present petitioner Shiv Sagar.

The learned Chief Judicial Magistrate, after the trial, held that the evidence of the prosecution has been closed by order and that the evidence on the file is not sufficient to convict the accused. During trial, it was found that whereabouts of the complainant as well as his wife who were the only witnesses, were not known and they were not produced despite last opportunity. Therefore, considering the judgment of the learned Chief Judicial Magistrate, I find that there is no error in the same. When there was no evidence, the accused was rightly acquitted.

Furthermore, there was extraordinary delay of 584 days in filing the appeal. In the absence of cogent explanation for the condonation of delay, the application for condonation of delay and the appeal were rightly dismissed.

Dismissed.

January 12, 2016.
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[Kuldip Singh]
Judge