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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 10th February, 2016

+ CRL.M.C. 568/2016

RAJ KUMAR GUPTA & ORS. Petitioners
Represented by: Mr. Vijay Sharma, Adv.

versus

STATE OF NCT OF DELHI & ANR Respondents
Represented by: Mr. Panna Lal Sharma,
APP for State with SI Shri Gopal, PS-
Shakar Pur.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A. 2365/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.M.C. 568/2016**

1. Vide the present petition, filed under Section 482 Cr.P.C. petitioners seek directions thereby setting aside of order dated 07.01.2016 passed in C.A. No. 44/2015, whereby the appeal filed by the petitioners has been dismissed on limitation.

2. Earlier, the petitioners filed Crl. M.C. NO. 1501/2015, whereby directions were sought to be passed for quashing of the

summoning order dated 30.05.2012 passed by the Id. Trial Court in Complaint Case no. V-83-A/2012.

3. While arguing the aforesaid petition, counsel for the petitioners stated that the aforesaid order was not challenged in an Appeal as the petitioners were not conversant with the law. On his submission, this Court held that ignorance of law is not a ground for granting any relief to the petitioners and the petitioners have a remedy available to challenge the aforesaid order. Accordingly, liberty was granted to the petitioners to challenge the aforesaid order in the Appeal. However, it was made clear that challenge of the petitioners shall be decided as per the law.

4. Accordingly, the petitioners filed the aforesaid appeal and the same was dismissed on limitation.

5. Ld. Counsel appearing on behalf of the petitioner submits that if the petitioners have approached a wrong forum then limitation will not come in their way. Moreover, this Court vide order dated 12.08.2015 granted liberty.

6. It is not in dispute that order dated 30.05.2012 passed in the aforesaid Crl. Complaint case was challenged after more than 3 years in Crl. M.C. 1501/2015. Thereafter, petitioners filed the Appeal noted above and the Id. Appellate Court while dismissing the appeal vide order dated 07.01.2016 relied upon ***Pundlik Jalam Patil (d) v. Executive Engineer Jalgaon Medium Project C.A. 6414-6417 of 2008*** whereby it is held that delay could not be

condoned where ground seeking condonation is not found reasonable.

7. Accordingly, looking into the facts and circumstances of the case and submission of the ld. Counsel for the petitioners, ld. Appellate Court has rejected the Appeal. Thus, I do not find any discrepancy in the said order.

8. Finding no merit in the instant petition, the petition is dismissed.

Crl. M.A. 2366/2016

Dismissed as infructuous.

SURESH KAIT, J

FEBRUARY 10, 2016

jg