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

+ CRL.L.P. 150/2013

STATE

..... Petitioner

Through :Ms. Nandita Rao, ASC with Ms.
Srilina Roy, Adv.

versus

MAHINDER SINGH

..... Respondent

Through : None

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **30.09.2016**

Crl. M.A. Nos. 15490/2016 (for condonation of delay) and 15489/2016 (for restoration) in CRL.L.P. 150/2013

Vide judgment dated 28th July, 2012 respondent was acquitted by the Additional Sessions Judge, Delhi of the offence under Sections 7/16 of Prevention of Food Adulteration Act, 1954 passed in Criminal Appeal No. 44/12. Petitioner preferred leave to appeal petition, notice whereof was issued to respondent vide order dated 20th March, 2013, returnable for 1st August, 2013. Steps were not taken. Accordingly, vide order dated 1st August, 2013 fresh notice was issued to the respondent, returnable for 10th February, 2014. Again steps were not taken to serve the respondent, petition

was dismissed for non-prosecution, vide order dated 10th February, 2014. After more than 2½ years, petitioner has now woken up from slumber and has filed this application for restoration along with an application for condoning of delay of 864 days. However, no cogent and sufficient reasons have been given to condone the delay of 864 days. Vague plea has been taken that delay has occasioned due to routing of the files from department to department before decision for filing of the present application was taken. Delay has also occurred on account of change of panel lawyers.

Application for condonation of delay is dismissed. Consequently, application for restoration is also dismissed.

A.K. PATHAK, J.

SEPTEMBER 30, 2016

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