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

+ **CRL.L.P. 672/2013**

STATE

..... Petitioner

Through: Ms. Kusum Dhalla, Adv.

versus

DILBAGH SINGH

..... Respondent

Through: Mr. Vikram Singh and Mr. Saurav
Bhardwaj, Advs.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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12.07.2016

Crl. M.A. 17530/2013 (Delay) and Crl. L.P. 672/2013

There is a delay of 50 days in filing the present petition seeking leave to appeal. The impugned judgment is dated 16th February, 2013; whereas petition has been filed on 4th July, 2013. The ground taken for condonation of delay is the procedural and bureaucratic delay, while seeking sanction for filing the petition from the competent authority, it being a Government department.

It is stated in the application that Additional Public Prosecutor opined for filing the petition on 22nd February, 2013. Department of prosecution agreed with his view on 12th March, 2013 and forwarded the file to Law Department. Thereafter, approval of Lt. Governor was obtained on 26th March, 2013. The appeal has been filed after more than three months

thereafter. No explanation has been given as to why the appeal was not filed immediately after the approval of the Lt. Governor, within the period of limitation. After the approval was granted there was no impediment in preparing the petition and presenting it in Court within the period of limitation of 90 days as prescribed for filing such petition. The delay, thus, has remained unexplained as approval was granted well before the limitation period.

In Office of the Chief Post Master General & Ors. vs. Living Media India Ltd. & Anr. 2012 STPL (Web) 132 SC, Supreme Court has held as under:-

“In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

Since no reasons for the delay have been given so to say sufficient reason, application is dismissed, consequently, petition for leave to appeal is also dismissed being barred by time. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

JULY 12, 2016
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