

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

**CRM No. 25864 of 2016 in/and
CRM-A-1485-MA of 2016
Date of Decision: 28.11.2017**

Sunita Rani

.....Applicant

Versus

Veeru Bala

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. G.S. Hayer, Advocate, for the applicant

Shekher Dhawan, J.

The present application has been filed under Section 378(4) Cr.P.C. for grant of leave to file appeal against the judgment of acquittal dated 20.7.2015, along with an application for condonation of delay of 327 days in filing the same.

Learned counsel for the applicant while arguing on the application for condonation of delay contended that delay was on account of wrong legal advice and the file was mis-placed in the office.

The Hon'ble Supreme Court while dealing with the issue in **“P.K. Ramachandran v. State of Kerala and another, AIR 1998 SC 2276”** has held as under :

“Law of limitation may harshly effect a particular party but it has to be applied with all its rigour when the statute so prescribes and the Courts have no power to extend the period of limitation on equitable grounds. The discretion exercised by the High Courts was, thus, neither proper nor judicious. The order condoning the delay cannot be sustained.”

In **“Raghubansh v. State of Haryana, 1998(2) RCR (Civil) 108”**, a

Division Bench of this Court while dealing with the issue held as under :

“It is undoubtedly true that in Chandra Mani's case it was observed

that the Court should be liberal and the expression “sufficient cause” should be pragmatically construed in a “justice oriented approach”. However, even by most liberal construction, it does not appear to be possible to say a complete good-bye to the Limitation Act and to hold that whatever be the delay and howsoever unsatisfactory the explanation, the Court is bound to condone it.”

In view of the above and taking into consideration the delay in filing the application and the grounds taken in the application, no case is made out for condonation of in-ordinate delay of 327 days.

Both the applications i.e. for condonation of delay in filing the appeal and application for leave to file appeal stands dismissed.

(SHEKHER DHAWAN)
JUDGE

28.11.2017
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No