

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

**CRM-A No.212-MA of 2016 (O&M)
Date of Decision : 07.11.2017**

Shri Ram Singh

.....Appellant

Versus

Pradeep Gupta

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. A.S. Walia, Advocate
for the appellant.

SUDIP AHLUWALIA, J. (ORAL)

Through the miscellaneous application bearing CRM No.4128 of 2016, the appellant prays for condonation of delay of 56 days in filing the present appeal. In the body of the application it has been stated “*that the complaint was decided on 27.08.2015 and the copy of the judgment was received by the counsel of the applicant on 7.10.2015; That the counsel of the applicant informed about the decision of the case and the applicant took the brief from the counsel and had kept it in his ship from where it was misplaced; That the applicant found the file on 4.1.2016 and immediately approached the counsel to file an appeal. In the process a delay of 56 days has occurred*”.

A bare perusal of the aforesaid averments would go to

indicate that no cogent grounds justifying the delay nor any exceptions of each day's delay is forthcoming.

Even on merits this Court finds no grounds to interfere with the judgment of the Ld. Trial Court by virtue of which the accused/respondent was acquitted of the offence under Section 138 of the Negotiable Instruments Act. This is so because it has transpired that the complainant/appellant while making certain allegations regarding non-discharge of legal liability on the part of the accused, also admitted that the documents, registers and records of the "Committee", in connection with which the financial transactions involving various persons including the contesting parties were allegedly made, were non-existent as the same had been sold away to scrap dealers after completion of the Committee.

For the aforesaid reasons, the Court finds no merits in the main application for leave to appeal against the acquittal as also the prayer for condonation of delay.

Both of these are therefore dismissed.

November 07, 2017

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No