

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

CRM-A-2135-MA of 2016 (O & M)

Date of decision : 3.7.2017

Mohinder Singh

.....Applicant

v.

Lachhman Dass and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN

Present : Mr. K.S. Sidhu, Advocate, for the applicant

Shekher Dhawan, J.

The present application has been filed under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment of acquittal dated 5.1.2016 along with an application for condonation of delay of 260 days in filing the same.

On the application, learned counsel for the applicant contended that earlier the applicant was pursuing the matter before the Sessions Judge, who has passed the order dated 16.8.2016 (Annexure A-1), stating that appeal against acquittal in complaint case is not maintainable.

The plea taken by learned counsel for the applicant for condonation of inordinate delay of 260 days is neither cogent nor satisfactory. Further, the present appeal was filed on 21.11.2016 and the intervening period of delay remained totally un-explained, which is not justified at the moment.

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.”

On merits of the case, learned trial Judge has found the evidence to be sketchy and not reliable and there is no ground for acceptance of appeal against acquittal of the applicant.

Resultantly, both the applications i.e. for condonation of delay in filing the appeal and application for special leave to appeal stands dismissed.

(SHEKHER DHAWAN)
JUDGE

3.7.2017
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No