

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

**CRM-A-2272-MA of 2016 (O&M)
DATE OF DECISION :- November 29, 2017**

Illiya **...Applicant**
Versus

Ayyub **...Respondent**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- None for the applicant.

There is no representation on behalf of the applicant. Similar was the position on earlier two dates of hearing. The complainant, feeling aggrieved by the judgment passed by Judicial Magistrate Ist Class, Mewat in a complaint under Sections 279, 337, 338 of the Indian Penal Code filed by him against accused Ayyub Khan vide which the accused was acquitted of the charge framed against him has approached this Court by way of filing application under Section 378(4) Cr.P.C. seeking leave to appeal. The complainant has approached the Court belatedly. Inasmuch as there is a delay of 253 days in filing the application. Though an application under Section 5 of the Limitation act for condonation of delay has been filed but no justifiable reason for the same comes out to be there, as such the petition is liable to be dismissed being time barred in terms of Section 3 of the Limitation Act. Nonetheless on merits also I do not find any reason to grant leave to appeal. The trial Magistrate vide a detailed and well reasoned judgment came to the conclusion that the complainant has failed to prove

any negligence on the part of the accused which is sine qua non of offences under Sections 279, 337, 338 of the Indian Penal Code.

Under these circumstances, the application stands dismissed.

(H.S. MADAAN)
JUDGE

November 29, 2017
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No