

CRM-23715-2017 in/and
CRM-A-1610-MA-2017 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-23715-2017 in/and
CRM-A-1610-MA-2017 (O&M)
Date of Decision: October 09, 2017

State of HaryanaApplicant
Versus
Sunil @ Sonu and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Kuldeep Tewari, Addl.AG,Haryana.

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SURYA KANT, J.

State of Haryana has filed this application seeking grant of leave to appeal against the judgment of acquittal dated 18.11.2015 passed by the learned Sessions Judge, Faridabad. Alongwith this application a separate application under Section 5 of the Limitation Act has also been moved for condonation of delay of 462 days in filing the accompanying appeal. As per the averments made in the application, the District Attorney, Faridabad, examined the judgment dated 18.11.2015 whereby the respondents were acquitted by the learned Sessions Judge, Faridabad, and opined that it was a fit case for filing the appeal. The District Attorney referred the matter to Commissioner of Police, Faridabad on 08.12.2015 for necessary action. The Commissioner of Police, Faridabad, agreed with the report of the District Attorney and further forwarded the matter to the District Magistrate vide

[2] Surprisingly, the District Magistrate, Faridabad, sat over the matter for more than one year and it was only on 31.12.2016 that he sent a request to the Advocate General, Haryana, Chandigarh, to prefer appeal against the judgment of acquittal. The Office of Advocate General, Haryana, then filed the appeal in the last week of December 2016.

[3] There is not even a whisper in the application as to why the reference remained pending before the District Magistrate, Faridabad, for a period of more than one year. It is a fit case where the State Government should hold an enquiry and take appropriate action against the Officers responsible for the unexplained and inordinate delay for sitting over the reference dated 25.12.2015 which was sent by Commissioner of Police, Faridabad, to the District Magistrate, Faridabad. It appears that the file could not have remained under the carpet for such a long period in routine manner. There were factors, other than bona fide reasons, due to which the process might have been with-held by the Office of District Magistrate, Faridabad. We, thus, dismiss this application but with a direction to the State Government to hold an enquiry and fix the responsibility. Resultantly, the accompanying application seeking grant of leave to appeal must also fail. Ordered accordingly.

**(SURYA KANT)
JUDGE**

October 09, 2017
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**(SUDHIR MITTAL)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**