

In the High Court of Punjab and Haryana at Chandigarh

**CRM No. 1946 of 2015 in/and
CRM-A-125-MA of 2015
Date of Decision: 05.7.2017**

Pankaj Lekhi

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Naveen Bawa, Advocate
for the applicant-appellant.

Mr. Sham Lal Bhalla, Advocate
for respondents No. 3 and 4.

None for respondents No. 2 and 5.

ANITA CHAUDHRY, J (ORAL)

The application has been filed seeking condonation of delay of 378 days in filing the appeal.

Notice of the application was given to the respondents. Reply has been received.

I have heard both the sides.

Counsel for the applicant-appellant states that the trial Court had dismissed their complaint for want of prosecution after closing their evidence and they had preferred an appeal before the Sessions Court on 9.12.2013 but that appeal was withdrawn on 15.2.2014 with liberty to file the appeal before the appropriate Court and the appellant was under the impression that the appeal had been filed in the High Court but later on

came to know that it had not been filed and delay of 378 days took place.

The submission on the other hand is that the facts disclosed by the counsel today in the Court do not find any reflection in the application and the application is silent and does not give any reason for the delay.

I have gone through the application and I find that no reason or sufficient cause has been given in the application. The application merely states that the delay had occurred and it was unintentional and *bona fide*. The records have also been called for and I find that the complainant had not been appearing and the case had been adjourned a number of times. It was the counsel for the complainant who was putting in appearance and in the absence of any evidence the complaint was dismissed for want of prosecution. The appellant has been unable to give any reason for delay. Therefore the delay cannot be condoned.

The application is dismissed and leave to appeal is declined.

(ANITA CHAUDHRY)
JUDGE

July 05, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No