

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

**CRM No. 12160 of 2015 in/and
CRM-A-672-MA of 2015
Date of Decision: 20.7.2017**

Shamsher

.....Applicant

Versus

Bansi Ram @ Bansi Lal and others

.....Respondents

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

Present: Mr. Munish Kumar Garg, Advocate and
Mr. Kanav Bansal, 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 19.9.2014 along with an application for condonation of delay of 609 days in filing the same.

On the application, learned counsel for the applicant contended that a complaint under Sections 323, 452, 500 and 506 IPC was dismissed by the learned Magistrate on 24.5.2013. Revision against the said order was dismissed by the learned Additional Sessions Judge on 19.9.2014 and thereafter the present application was filed.

Learned counsel for the applicant while arguing on the application for condonation of delay contended that a petition was filed under Section 482 Cr.P.C. on 12.2.2015 which was later on dismissed by the Court with liberty to file the present application and that was the reason for delay in the matter.

Having considered the submissions made by learned counsel for the applicant and taking into consideration the totality of the facts, revision petition was dismissed by the learned Additional Sessions Judge on 19.9.2014. Thereafter, the petition under Section 482 Cr.P.C. was filed on 12.2.2015. Even if the contention of the applicant is taken to be correct that he was perusing with the remedy under misconception of the law, still there is no good ground for condoning the delay for the intervening period from 19.9.2014 till 12.2.2015 and thereafter, the delay caused in filing the petition.

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.”

There is absolutely no ground for condoning the delay in filing of the application and on merits also.

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

20.7.2017
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No