

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

**CRM NO. M-23512 OF 2017(O&M)
DECIDED ON : 21.07.2017**

Udham Singh

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Lajpat Sharma, Advocate for
Ms. Garima Sharma, Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

This petition is for quashing the impugned order dated 19.04.2017 (Annexure P-4) passed by Additional Sessions Judge, Rupnagar (Ropar), whereby the application of respondent for condonation of delay in filing the appeal was allowed.

The petitioner, who is stated to be running a meat shop, was charge-sheeted under Sections 55 of Wild Life Protection Act, 1972 read with Section 40 of Punjab Wild Life Protection Rules, 1975. The allegations against the petitioner, who runs a meat shop, were that he had killed a jackal and sold its meat. On 16.02.2007 at about 5.30 PM, information was received by the police officials in this regard, who visited the spot and recovered the cooked meat. The skin and head of jackal was also recovered from the kiosk/ shop of petitioner. The Forest

Range Officer (Wild Life) Mohali, along with other officials, reached there. The petitioner was taken into custody along with skin and head of jackal. A complaint was also filed before the competent Court. The trial Court, vide judgment dated 10.04.2014, acquitted the petitioner after holding that the prosecution had not been able to establish its case beyond reasonable doubt.

The state of Punjab through Public Prosecutor preferred an appeal challenging the said judgment passed by the trial Court and an application for condonation of delay of 93 days in filing the appeal was also filed, which was allowed by Additional Sessions Judge, Rupnagar (Ropar) by the impugned order dated 19.04.2017 (Annexure P-4).

Learned counsel for the petitioner contends that in the application filed for condonation of delay, no reason has been spelt out which would indicate sufficient cause for condoning the delay and mere averment that the officials were busy with other work, would not be enough to condone the delay. In support of his submissions, he has relied upon judgment of the Supreme Court in the case of **"Kumar Etc. v. Karnataka Industrial Coop. Bank Ltd. and another"** 2013(2) RCR (Criminal) 530.

Heard learned counsel for the petitioner.

In the application for condonation of delay, it has been stated that due to very short time and the officials being busy with other work, the appeal could not be filed within time. It is

apparent that the application for condonation of delay is not properly worded and the State should have set out the reasons for condonation of delay. However, the trial Court while allowing the application for condonation of delay, has relied upon the judgment of this Court in the case of "**Mrs. Saroj and others v. Sh. Baljeet Singh and another**" **C.M No.4117-CII 2009 (P&H)**, wherein delay of 447 days in filing the appeal was condoned.

In so far as the judgment in the case of "**Kumar Etc. v. Karnataka Industrial Coop. Bank Ltd. and another**" **2013 (2) RCR (Criminal) 530 (supra)** is concerned, it is distinguishable on facts from instant case as it pertained to a case of cheating and delay in preferring the appeals therein ranged from 290 days to 785 days.

In the instant case the delay is only of 93 days and it would be in the interest of justice if the appeal is heard and decided on merits. It has been held by the Supreme Court in the case of "**State of Nagaland v. Lipok Ao**" **2005(3) SCC 752** that Court must adopt a justice oriented approach while considering an application for condonation of delay and in the cases of delay on the part of the government officials, larger public interest should be kept in mind to take a lenient view. This principle has been reiterated in the case of "**Executive Officer, Antiyur Town Panchayat v. G. Arumugam (dead) by legal representatives**" **2015 (3) Supreme Court Cases 569**.

Consequently, I do not find any manifest illegality in the impugned order dated 19.04.2017 (Annexure P-1). The petition is accordingly dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

JULY 21, 2017
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| 1. | Whether speaking/reasoned : | YES/NO |
| 2. | Whether reportable : | YES/NO |