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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.L.P. 367/2017

STATE GOVT OF NCT OF DELHI

..... Petitioner

Through: Ms. Kusum Dhalla, APP with Insp.
Rajesh Kumar, PS Vasant Kunj North

versus

SATISH KUMAR

..... Respondent

Through: Mr. Pramod Kumar Dubey & Ms.
Namita Wali, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE REKHA PALLI

ORDER

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07.11.2017

CRL.L.P. 367/2017 & CRL.M.A. 10461/2017

1. There is an inordinate delay of 309 days in filing the Criminal Leave Petition. In the present application for condonation of delay, reasons furnished include a list of dates and paragraph 4 of the same states “the delay in filing the present leave petition has been caused on account of procedural delay which was inevitable and unavoidable and was thus not deliberate.”

2. The explanation offered in the application is, apart from being wholly inadequate, neither satisfactory nor even justified.

3. The Supreme Court in *Postmaster General v. Living Media India Limited* (2012) 3 SCC 563 observed as under:

“In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the Government Departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.”

4. The above observation has been reiterated by the Supreme Court in *State of U.P. v. Amar Nath Yadav* (2014) 2 SCC 422.

5. The explanation offered by the Appellant being unsatisfactory, the Court is not persuaded to condone the inordinate delay of 309 days in filing the Criminal Leave Petition. The application is dismissed.

6. Consequently, the Criminal Leave Petition is also dismissed.

S. MURALIDHAR, J.

REKHA PALLI, J.

NOVEMBER 07, 2017/RD
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