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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.L.P. 606/2017**

STATE NCT OF DELHI

..... Petitioner

Through: Ms. Kusum Dhalla, APP with Insp.
Vipnes, P.S. Vijay Vihar.

versus

SUBODH KUMAR DWIVEDI

..... Respondent

Through: None.

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE I.S. MEHTA**

ORDER
25.10.2017

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Crl.M.A. No. 17275/2017 (exemption)

1. Allowed, subject to all just exceptions.

Crl.M.A.No.17274/2017 (for condonation of delay of 302 days in filing)

2. There is an inordinate delay of 302 days in filing the Criminal Leave Petition. The reason given in the application for the delay is set out in para-4 which reads as under:

“4. That the present leave to appeal could not be filed due to various reasons which among are the judgment was passed on dated 28.09.2016 and on 28.12.2016, learned APP for District Court sent acquittal report to learned DCP, North West with his report. Thereafter that file was

sent to D.O.P. on dated 03.01.2017. On 25.04.2017, Legal Assistant (Law Department) sent the file to Additional Secretary (Law & Justice) for complete record of the case. Thereafter, on 05.09.2017, the matter was considered by Hon'ble Lt. Governor and the file was sent to D.O.P. Thereafter, on date 14.09.2017, the file was sent to Id. Standing Counsel (Crl.) Delhi High Court, New Delhi and the same was marked to Id. A.P.P. Hence, the present application.”

3. The Court finds the above explanation to be wholly unsatisfactory. In fact, it underscores that at every stage there was an unnecessary and inexcusable delay in processing the matter for the purposes of filing of the present petition.

4. 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 bona fide 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.”

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

6. The Court is not inclined to condone the delay in filing the present leave petition. The application is dismissed. Consequently, the leave petition is also dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

OCTOBER 25, 2017

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