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

+ CRL.A. 1105/2015

STATE OF NCT OF DELHI

..... Appellant

Through: Mr. Rajesh Mahajan, ASC for the
State ASI Abdul Barkat, Narcotics
Cell, Crime Branch.

versus

SURESH KUMAR @ PAPPU

..... Respondent

Through: Mr. Manish Kumar, Adv. along with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.02.2017

Crl. M.A. 15797/2015 (Delay)

There is a delay of 129 days in filing the appeal. Delay has been sought to be explained by saying that the order on sentence was pronounced on 12th March, 2015. Learned APP gave his opinion for filing the appeal on 16th March, 2015. Thereafter, file was forwarded to the Director of Prosecution, who gave his opinion for filing the appeal on 20th March, 2015. Thereafter, file was sent to the Law Department for approval. Vide office noting dated 11th May, 2015 Legal Assistant of the Law Department requested the Director of Prosecution to send the entire record. Accordingly, Director of Prosecution sent the file to the APP on 19th May,

2015. The file was again examined and thereafter vide communication dated 13th August, 2015 Director of Prosecution was conveyed the approval of LG to file the appeal. The case was again routed to APP for compliance. Thereafter, file was sent to the office of standing counsel on 24th August, 2015. Appeal was prepared on 24th September, 2015 and sent to the department. Thereafter, appeal was filed in the month of October, 2015.

It is trite to say that the file ought to have moved from one table to another expeditiously. However, in this case, file has been dealt in a casual manner and not promptly. There is no explanation of delay of two months, that is, from 20th March, 2015 to 11th May, 2015. There is no reason as to why two months time was taken up by the Law Department to write to the Prosecution Department to send the entire record. Again there is no explanation as to what steps were taken from 19th May, 2015 till 13th August, 2015 when the Director of Prosecution was conveyed the approval for filing the appeal.

In view of the above discussions, application is dismissed, consequently, appeal also goes as time barred.

A.K. PATHAK, J.

FEBRUARY 02, 2017

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