

CRM-A-2302-MA-2017

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

CRM-A-2302-MA-2017 (O & M)

Date of decision: 26.03.2018

Hardev Singh

.....Applicant

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Ritesh Pandey, Advocate,
for the applicant.

A.B. CHAUDHARI , J (Oral)

There is an application for condonation of delay of 1217 days in filing the criminal appeal against acquittal by way of application for grant of leave to appeal.

We have heard learned counsel for the applicant on the question of condonation of delay for the following reasons as mentioned in paras No.2 to 4 in the application:

“2. That in the month of January 2015, the appellant approached the counsel and discussed the matter and the counsel advised him to collect the entire file so that appeal could be drafted.

3. That the file was made available to the counsel in the month of February 2015 and it was drafted on the month of March 2015, but due to shifting of the house and office, the file was misplaced and could not be traceable even after best efforts made by the counsel.

4. That in the month of June 2017 at the time of

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renovation of the office, the file traced out and immediately it is being filed.”

There is an inordinate delay of 1217 days in filing the application seeking leave to appeal. This is a case of acquittal by the trial Court in a private complaint case i.e. lodged by the applicant. The deceased is stated to have jumped before the train and died. Per contra, case of the applicant is that the deceased was last seen with the accused, who had eliminated him. Be that as it may.

We find that by this time, certain rights have crystalized in favour of the accused persons by virtue of law of limitation. We are not inclined to condone the inordinate delay of 1217 days for the reasons stated in the application.

Dismissed.

(A.B. CHAUDHARI)
JUDGE

(INDERJIT SINGH)
JUDGE

26.03.2018
parveen kumar

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No