

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-96-MA-2015 (O&M)

Date of decision : 24.1.2018

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Indian National Co-operative N.A.T & C Society Ltd.
.....Appellant

vs.

Anil Kumar
.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Shubham Kaushik, Advocate for
Mr. Vinod S. Bhardwaj, Advocate for the applicant-appellant.

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H. S. Madaan, J. (Oral)

The complainant is feeling aggrieved by the judgment dated 17.1.2012 passed by Chief Judicial Magistrate, Hisar. A perusal of the said judgment goes to show that accused has paid the cheque amount of Rs.48,970/- in the form of demand draft to the complainant on 5.1.2012, besides depositing 10% of the cheque amount in District Legal Service Authority, as costs and he has been further directed to compensate the complainant Society by paying Rs.2,000/- which amount was duly received in writing, by the complainant, as mentioned in paragraph No. 4 of the judgment. In

that very paragraph, it is mentioned that no payment of compensation was demanded by the complainant. The accused was accordingly acquitted.

The complainant has felt aggrieved by the said judgment and has approached this Court by way of moving an application under Section 378 (4) Cr.P.C. seeking special leave to appeal.

The complainant has approached this Court belatedly by 1026 days. Though an application under Section 5 of the Limitation Act, has been filed for condonation of delay, for the reasons mentioned therein, but no convincing and plausible reason has been mentioned therein. Therefore, I do not see any reason to allow the application under Section 5 of the Limitation Act and to condone the delay. Even otherwise, on merits also, no ground is there to grant special leave to appeal to the applicant.

The appeal stands dismissed accordingly.

(H.S. Madaan)
Judge

24.1.2018

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No