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

+ **CRL.L.P. 141/2017**

STATE

..... Petitioner

Through Mr. Kewal Singh Ahuja, APP for
State

versus

VIKAS @ KATARIA & ORS.

..... Respondents

Through Mr. Anwar A.Khan, Mr. Sunil Sagar
and Mr. Vishal Raj Sehijpal, Advocates for
Respondents No.1,2,4 & 5
Ms. Inderjeet Sidhu, Advocate (DHCLSC) for
Respondent No.6

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE ANU MALHOTRA

ORDER

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20.09.2018

Crl.M.A.No. 4092/2017 (delay)

1. There is a delay of 218 days in the State filing this Criminal Leave Petition. In paras 2 to 4 of the application, the reasons for the delay are explained thus:

“2. That the delay is one occasioned and same is not being committed intentionally or deliberately, but has been occurring as the file of the said matter was misplaced in the office of the Counsel.

3. It is submitted that it was only, the file was retrieved at the office of the counsel and accordingly after studying the impugned judgments and scrutinizing each facts of the case the instant appeal was preferred before this Hon'ble Court.

4. That in view about and the facts and circumstances of the case and also in the interest of justice it is necessary that delay in filing the instant appeal be condoned.

2. In light of the law explained by the Supreme Court in *Post-Master General v. Living Media India Limited (2012) 3 SCC 563* and later in *State of UP v. Amar Nath yadav (2014) 2 SCC 422* the above explanation is wholly inadequate and unconvincing. The Court is therefore not persuaded to condone the delay in filing the petition.

3. The application is dismissed.

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4. Consequently, this Criminal Leve Petition is also dismissed.

S.MURALIDHAR, J.

ANU MALHOTRA, J.

SEPTEMBER 20, 2018

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