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

+ **CRL.L.P. 209/2018**

THE STATE OF DELHI Petitioner
Through: Mr.Amit Chadha, APP for State
Versus

SHER MOHD. & ANR Respondents
Through: None

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

ORDER
% **20.04.2018**

Crl.M.A.No. 6127/2018 (Exemption)

1. Exemption allowed, subject to all just exceptions. The application is disposed of.

Crl.M.A.No. 6128/2018 (Delay)

2. There is a delay of 215 days in filing the Criminal Leave Petition.

3. Despite the Court being informed about a Standard Operating Procedure (SOP) of the Government of NCT of Delhi in September, 2017 to avoid such delays in filing of Criminal Leave Petitions, that SOP does not appears to have been followed in the filing of the present Criminal Leave Petition on 5th April, 2018.

4. The explanation for the delay is a standard one as set out in para 7

of the application, which reads as under:

“7. That the appellant/applicant being a Govt Department, has to adhere to the norms and procedure prescribed pursuant to which the case file requires to be processed through various channels. It is submitted that considerable period was spent in obtaining permission to file the present appeal, collecting related documents and obtaining the signatures of concerned officer. Thus it is humbly submitted that the delay in filing the appeal was not deliberate and intentional on part of the appellant/applicant.”

5. 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 bonafide 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.”

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

7. The explanation offered by the Appellant for the delay is unsatisfactory. The Court is not persuaded to condone the delay.

8. The application is dismissed.

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9. Accordingly, the Criminal Leave Petition is dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 20, 2018

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