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

DECIDED ON : FEBRUARY 28, 2018

+ **CRL.L.P. 10/2014 & Crl.M.A.106/2014 (Delay)**

STATE

..... Petitioner

Through : Mr.Amit Chadha, APP.

versus

SANJAY SANGWAN

..... Respondent

Through : Mr.Siddharth Handa, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present Leave petition has been filed by the State to file appeal against the order dated 16.01.2013 in Complaint Case No.103/2006 titled *State vs. Amar Singh & Anr.* whereby the respondent was acquitted of the charge. The State has also filed Crl.M.A.106/2014 for condonation of delay in filing the leave petition. It is seriously contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file.

3. Learned APP for the State urged that the delay has been duly explained. Learned counsel for the respondent urged that the impugned order was passed on 16.01.2013 and the present leave petition has been filed after an inordinate delay on 06.01.2014. Delay of more than one year has remained unexplained.

4. The impugned order was passed on 16.01.2013 whereby the respondent was acquitted of the charge. The present leave petition has been preferred on 06.01.2014 after a gap of about one year. The prosecution has not explained the delay in filing the leave petition. Learned counsel for the respondent relied upon *Delhi Administration Vs. Harbhajan Lal* 2010 (2) JCC 1248 whereby this Court was of the view that leave to appeal was required to be filed within 90 days from the date of acquittal order. Reliance was also placed on *State (Delhi Administration) Vs. Dharampal* JT 2001 (9) SC 136.

5. The application under Section 5 of Limitation Act seeking condonation of delay discloses that the appeal was recommended by the Additional Public Prosecutor on 30.01.2013 and it finally got approval from Law Department, Govt. of NCT of Delhi on 03.05.2013. There is no explanation as to why it took so long to file the leave petition thereafter. Delay at different stages has remained unexplained. The matter before the trial court was regarding misbranding and respondent therein had suffered prosecution since 2006. Under these circumstances, no sufficient ground exists to grant condonation of delay after expiry of the prescribed limitation period.

6. The present leave petition is thus, dismissed being beyond limitation.

7. All pending application(s) also stand disposed of.

**S.P.GARG
(JUDGE)**

FEBRUARY 28, 2018/sa