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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 935/2018**

SHEIKH ALAMGIR Petitioner
Through: Mr. Yash Kumar, Adv.

Versus

SHAMSARA BEGUM & ORS Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

% **ORDER**
22.02.2018

Crl. M.A. 3426/2018

Allowed, subject to all just exceptions.

Application is disposed of.

Crl. M.A. 3427/2018 (Delay)

Delay condoned.

Application is disposed of.

Crl. M.C. 935/2018

Respondent filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') before the learned Metropolitan Magistrate on 12th August, 2009. Petitioner was duly

served in the said proceedings and participated till 14th November, 2014 and thereafter he abandoned the proceedings. He stopped appearing and was proceeded against ex-parte. After respondent closed the evidence, learned Metropolitan Magistrate disposed of the application vide ex-parte judgment dated 3rd February, 2015. No prompt steps were taken by the petitioner to prefer an appeal. Petitioner preferred the appeal on 21st April, 2017, that is, after about 2 years and 2 months from the date of the passing of the judgment by the learned Metropolitan Magistrate. Time for filing the appeal, as prescribed under Act, is 30 days. Appellate Court has noted that even certified copy was not applied within the prescribed period. It was applied on 6th February, 2017. Appellate Court has noted that petitioner even has not mentioned as to how he came to know about passing of the judgment.

Be that as it may, it was the duty of the petitioner to have remained diligent and pursued the matter. Petitioner abandoned the proceedings and did not participate after 14th November 2014, inasmuch as, did not bother to find out the outcome of the proceedings for more than two years. He sleeps over his rights and was not diligent in initiating and pursuing the legal remedies, available to him for two years. The delay of two years has remained unexplained by any cogent and sufficient reason, thus, in my view,

appellate court has rightly dismissed the application for condonation of delay of the petitioner, resultantly dismissal of appeal.

For the foregoing reasons, petition under Section 482 Cr.P.C. is dismissed.

A.K. PATHAK, J.

FEBRUARY 22, 2018/ga