

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Misc. Petition No.1463 of 2018

Jeevan Chand Kothari **Versus** Ghanshyam Agrawal

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14.01.2019	Shri PKC Tiwari, Sr. Advocate with Shri Shashi Bhushan Tiwari, counsel for the petitioner. Shri Surfaraj Khan, counsel for the respondent. Heard on IA No.01/18 for condonation of delay in filing the petition. Learned counsel for the respondent submits that the delay in filing the petition cannot be condoned as per the law laid down in the matters of The Assistant Registrar of Companies, West Bengal, Calcutta vs. Standard Paint Works (Pvt.) Ltd. reported in AIR 1971 SC 1115 15 and Dr. S. Magalingam vs. A. Ganesan reported in (2006) 1 MLJ 404. Per contra, learned counsel for the petitioner submits that it is not a case where Section 5 of the Limitation Act has no applicability. After hearing both sides and as per the law laid down by Hon'ble Supreme Court in the matter of State of Haryana Vs. Chandra Mani & Ors. reported in 1996 3 SCC 132, the delay of 19 days in filing the petition is hereby condoned. Also heard on application for special leave to appeal under Section 378(4) of the CrPC. On due consideration, leave is granted. Let the CrMP be registered as regular Acquittal Appeal. Admit. List this matter for final hearing in due course. Sd/- (Ram Prasanna Sharma) Judge