

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3290-SB-2018 (O&M)
DECIDED ON: 12.03.2019

STATE OF HARYANA

...PETITIONER..

VERSUS

POSHAKI

...RESPONDENT..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ashok Muthreja, DAG, Haryana,
for the appellant-State.

RAMENDRA JAIN, J. (ORAL)

CRM-29196-2018

Through this application under Section 5 of the Limitation Act, prayer has been made for condonation of delay of 188 days in filing the instant appeal.

Heard.

Learned State counsel submits that after perusing the judgment dated 13.10.2017, ld. District Attorney, Karnal opined that it is a fit case to file an appeal, for enhancement of sentence of the accused before this Court and referred the same to the office of Superintendent of Police, Karnal, who further forwarded the same to District Magistrate, Karnal. Thereafter, the time consumed in the office of District Magistrate and Advocate General Haryana.

The above plea for condonation of delay, is being taken since last 2-3 decades in general by State in every case. Much water has already flown. Now, it is the need of hour that the official machinery should be sensitized and may think thousand times and move fast, before adopting any legal course, inasmuch as, State Government or its functionaries is best litigant in the country. More than 50% of the litigation in the Courts of this country is on account of lapse or negligence of the State machinery. Since, no cogent reason or plausible explanation has been furnished by the applicant-State for condonation of delay in filing the appeal, therefore, the application is dismissed.

Since, the application for condonation of delay in filing the appeal, is dismissed on merits, therefore, no separate order is required to be passed in CRA-S-3290-SB-2018, seeking enhancement of sentence awarded to the accused.

12.03.2019*sonika***(RAMENDRA JAIN)
JUDGE****Whether speaking/reasoned
Whether reportable****Yes/No
Yes/No**