

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-14936-2015 IN/AND  
CRM-A-801-MA-2015  
DECIDED ON: 12.03.2019

**RANDHIR SINGH**

**...APPLICANT..**

**VERSUS**

**CHANCHAL SINGH AND ORS.**

**...RESPONDENTS..**

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. D.S. Gandhi, Advocate for  
Mr. Vikas Gupta, Advocate for the applicant.

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**RAMENDRA JAIN, J. (ORAL)**

Along with this application under Section 378 (4) Cr.P.C. for grant of special leave to file accompanying appeal against the judgment dated 27.11.2013 of the trial court, acquitting the respondents, another application under Section 5 of the Limitation Act for condonation of delay of 439 days has been filed.

Learned counsel for the applicant contends that under some wrong legal advice, applicant, instead of coming to this Court, filed appeal before the first appellate court and when he came to know that his appeal was not maintainable, he withdrew it vide order dated 10.09.2014 and immediately, approached this Court. Therefore, delay in filing the instant application under Section 378(4) Cr.P.C. is neither deliberate nor intentional, rather, on account of aforesaid ill-advice.

Having given thoughtful consideration to the submissions made by learned counsel for the applicant, this Court finds instant application for condonation of delay completely devoid of any merit,

inasmuch as, applicant had withdrawn his appeal before the first appellate court on 10.09.2014, but approached this Court for the first time on 06.04.2015 i.e. after around 7 months. For this period, learned counsel for the applicant has not been able to furnish any explanation. Therefore, instant application seems to be a luxury litigation by the applicant for some extraneous reasons, best known to him.

The applicant is not a vigilant litigant. Ignorance of law is no excuse. The applicant is an educated person, as he has signed vakalatnama in English having good handwriting. Thus, it cannot be expected of him that he could be ill-advised by any Advocate or someone else. Consequently, the above plea taken by the applicant seems to be false.

Moreso, the plea taken by the applicant of ill-advise by some advocate to him, is taken in routine in almost every case, since last 3/4 decades in such like application for seeking condonation of delay. Much water has already flown. Now the time has come to turn down such false pleas, inasmuch as, in the present scenario a litigant has become very vigilant in comparison to a litigant of 2/3 decades ago.

In view of discussion above, application for condonation of delay is dismissed. Resultantly, accompanying application under Section 378 (4) Cr.P.C. is also dismissed.

12.03.2019

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(RAMENDRA JAIN)  
JUDGE

**Whether speaking/reasoned**  
**Whether reportable**

**Yes/No**  
**Yes/No**