

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

220

CRM-957-2019 in/and
CRM-A-75-2019
Date of Decision:21.08.2019

State of Haryana

Versus

...Applicant

Naveen @ Nitin and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Leave to appeal has been sought for by the State of Haryana against the judgment of acquittal passed by Sessions Judge, Gurugram in case FIR No.638 dated 24.08.2016 under Sections 379-A and 34 IPC registered at Police Station Sector-29, Gurugram. Also an application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. has been filed seeking condonation of delay of 344 days in filing the application seeking leave to appeal.

A perusal of the application reveals that the decision to file the appeal against the impugned judgment of acquittal was taken on 08.12.2017 and District Magistrate, Gurugram forwarded the necessary papers/documents through Office Memo No.1250/PB to the Advocate General Haryana Office. Despite this decision, the appeal was actually filed in November 2018, with a delay of 344 days, which is unexplained and, therefore, this Court does not find any reason to condone the same.

Resultantly, application filed under Section 5 of the Limitation Act seeking condonation of delay of 344 days in filing the application seeking leave to appeal is dismissed.

Application seeking leave to appeal is also dismissed.

21.08.2019
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**(MANOJ BAJAJ)
JUDGE**