

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

**CRM-28923-2015 in/and
CRM-A-1495-MA-2015 (O&M)**

Date of Decision : 16.01.2020

Binder

..... Applicant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Munish Behl, Advocate
for the applicant.

RAMENDRA JAIN, J. (Oral)

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Through this application under Section 5 read with Section 14 of Limitation Act, prayer has been made for condonation of delay of 279 days in filing the appeal.

Initially choosing a wrong forum of filing his appeal before the Sessions Court instead of coming to this court under Section 378 (4) Cr.P.C. does not entitle the applicant to condone the delay, inasmuch as, ignorance of law is no excuse.

It is well-settled proposition of law that each day's delay has to be explained in a mathematical manner which has not been done by the applicant. Such type of illegal pleas are being taken since last 2-3 decades in general by almost every litigant for condonation of delay. Much water has already flown. Now the time

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has come to deprecate and reject such type of frivolous pleas taken in routine to abuse the process of law.

No cogent reason or plausible explanation has been furnished by the applicant for condonation of such an inordinate delay of 279 days in filing the application for grant of leave to file an appeal. Therefore, the application is dismissed.

CRM-A-1495-MA-2015 (O&M)

Through this application under Section 378 (4) Cr.P.C., prayer has been made for grant of special leave to file appeal.

Briefly, applicant approached the police with a complaint, mentioning that on 07.02.2009, when he was coming home after answering the call of nature, respondent Nos.2 to 10 attacked him with their respective weapons like dandas and rods under the influence of liquor. After rescuing from the clutches of assailants, he entered his house. Assailants trespassing the house of applicant and again caused injuries to him.

On his complaint with aforesaid allegations, when the police did not take any action, applicant filed a complaint under Sections 148, 149, 341, 323, 452, 506, 120-B IPC against respondent Nos.2 to 10 in court.

After recording preliminary evidence, respondent Nos.2 to 10 were summoned to face trial under the aforesaid sections.

In pre-charge evidence, applicant examined himself as CW1 followed by two more witnesses namely Krishan Lal CW2 and Mahinder Singh CW3. However, the evidence of these witnesses did

not convince the trial court for conviction of respondent Nos.2 to 10. Therefore, it discharged all of them vide impugned order dated 27.10.2014.

Heard.

Having given thoughtful consideration to the submissions, this court is not inclined to differ with the well reasoned judgment of trial court, discharging respondents, inasmuch as there are major contradictions in the initial and later version of the complaint. According to his initial version, he was attacked by private respondents, when was returning home after answering the call of nature. Contrary to it, in his later versions i.e. in evidence, he took the stand that he was returning home from his work. That apart, CW2 Krishan Lal and CW3 Mahinder Singh without identifying the private respondents, simply testified that some assailants caused injuries to applicant.

The applicant did not examine the doctor, who conducted his medico legal examination vide MLR Ex.CW3/A. Thus, in the absence of examination of any medical officer, the injuries allegedly suffered by applicant remained unproved on record.

Besides the above infirmities, there are other major contradictions, inasmuch as in his statement recorded before the court, applicant did not allege that he was given beating twice by private respondents on the same day by trespassing into his house whereas in his alleged complaint, he has stated so.

In view of the foregoing discussion, I do not find any

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reason to interfere with the well reasoned judgment of trial court.

Consequently, permission, seeking grant of special leave to file appeal is declined.

16.01.2020	(RAMENDRA JAIN)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No