

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

220

CRA-AD-75-2022 &
CRM-17288-2022

Date of Decision: July 22nd, 2022

Sunder Lal Sharma

...APPELLANT

Versus

State of Haryana and others

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rajiv Sharma, Advocate,
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J.
CRM-17288-2022 & CRA-AD-75-2022

Prayer in this application under Section 5 of Limitation Act, 1963 is for condonation of delay of 658 days in filing the appeal.

The explanation for the delay in filing the appeal is that there was fear and serious threat to the applicant-appellant and his family members which has resulted in delay in filing the present appeal.

Learned counsel for the applicant-appellant is unable to give any other reason except for the one, referred to above, praying for condonation of such a long delay of 658 days.

A perusal of the contents of the application would show that nothing has been mentioned as to when the appellant and his family members were threatened by the respondents or the convicts after passing of the judgment nor is it mentioned as to whether any complaint has been preferred by them to the police authorities or the Court bringing the said fact to its/their notice.

In the absence of any factual detailed averments in the present application, we do not find the reason, as has been mentioned above, to be justifiable enough for condoning the delay in filing the appeal. Had the delay been of a few days or few months, the things would have been different. Here is the case where it is almost two years of delay in filing the present appeal, which cannot be accepted in routine nor can such an inordinate delay in filing an appeal be condoned for the reason assigned, as has been referred to above. We do not find any ground for condoning the delay in filing the present appeal.

On merits also, we have perused the judgment passed by the trial Court and find that there are cogent grounds given therein for coming to a conclusion that the allegations against the private respondents have not been proved by the prosecution. The evidence led has been duly considered and we find no reason to take a contrary view from the one which has been taken by the trial Court as regards the acquittal of respondents No. 2 to 4 in the present appeal.

Counsel for the appellant has not been able to point out any specific evidence which would persuade us to take a different view from the one which has been taken by the trial Court. In any case, interference in the acquittal passed by the trial Court is not to be made in routine especially when the view, as has been taken by the trial Court, could be a plausible one. Merely because a different view can also be formed qua the evidence, which has been led, cannot be, in itself, a ground for interfering in an appeal against acquittal.

We do not find this to be a case of such a nature where only one conclusion can be drawn i.e. the respondents are guilty of the offences, for

which they have been charged.

In view of the above, we do not find any merit in the application for condonation of delay and, therefore, dismiss the same. As a consequence thereof, the appeal stands dismissed both on the grounds of delay and laches being time barred as also on merits.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

July 22nd, 2022
pj

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No