

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

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CRM-A-569-2020 &
CRM-10201-2020

Date of Decision: July 12th, 2022

Gurnam Singh (since deceased) through LRs

...APPELLANT

Versus

State of Punjab and others

...RESPONDENTS

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

Present: Mr. Sandeep Chopra, Advocate,
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J.

CRM-10201-2020

Prayer in this application under Section 5 of Limitation Act, 1963 is for condonation of delay of 1183 days in filing the appeal.

The reason assigned for the delay in filing the appeal is that after passing of the judgment dated 29.09.2016 by the learned Additional Sessions Judge, Patiala, whereby both the parties i.e. the complainant and the accused were entangled in a cross version. Since the parties were related to each other and belong to the same village, the matter was compromised due to intervention of the respectables and it was decided that the parties will bury the hatchet and will not further pursue the litigation against each other. Believing the said compromise, which has been entered into between the parties, the applicants forgot the same. However, they came to know of the fact that the respondents herein had filed CRA-AD-204 of 2019 challenging the acquittal of the applicants. This fact with regard to the appeal having been preferred came to the knowledge of the applicants once they received

notice in the said appeal and approached the counsel on 16.09.2019. The factum of compromise having been entered into, has also brought to his notice. Counsel appeared in the Court and asked the other side to explore the possibility of the compromise on earlier terms. The same did not succeed resulting in the delay of 1183 days in filing the present appeal. On the basis of this factum, prayer has been made for condoning the delay in filing the appeal.

This contention of the counsel for the applicant-appellant cannot be accepted as neither any compromise has been placed on record nor are the details with regard to the said compromise such as date and the terms and conditions of the same specified. In the absence of these necessary details, the prayer, as made in this application and the factual aspect explaining the inordinate delay of almost 3 years, cannot be accepted at this belated stage.

The present application, therefore, stands dismissed. As a consequence thereof, CRA-A-569-2020 deserves to be dismissed.

CRM-A-569-2020

On perusal of the judgment passed by the trial Court dated 29.09.2016, we are of the considered view that the said judgment is based upon the proper appreciation of the evidence led by the parties. The ground of acquittal, as has been culled out by the trial Court, cannot be said to be faulty, requiring any interference by this Court. The allegations have been found to be not proved beyond doubt by the evidence which has been led by the prosecution and, therefore, the benefit of doubt has rightly been granted to the accused-respondents.

In the light of the above, the application for condonation of

delay as well as the appeal stand dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

July 12th, 2022
pj

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No