

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

**CRM-12996-2020 in/and
CRA-AD-165-2020
Date of decision: 28.04.2022**

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State of Haryana

Versus

....Applicant(s)

Satish and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Palika Monga, DAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

CRM-12996-2020 has been filed for condonation of delay of 438 days in filing the appeal.

The present appeal has been preferred by the State for enhancing the sentence imposed upon the respondents under Section 304-B IPC by the trial Court to the extent from 7 years to 10 years. The sufficient cause which is sought to be made out for condonation of delay is that after the judgment of conviction and order of sentence on 28.02.2018/01.03.2018, the District Attorney, Sonapat had opined on 14.03.2018 that it is not a fit case for filing the appeal for enhancement of sentence. The Superintendent of Police also on 11.05.2018 had agreed with the opinion of the District Attorney. However, the District Magistrate, on account of different opinion, forwarded the case to the office of the Advocate General, Haryana on 13.06.2018 and on account of the opinion obtained, the appeal was then filed on 20.06.2019.

Nothing has been mentioned in the application as to the delay as such which has occurred from 13.06.2018 till the filing of the appeal i.e. 20.06.2019, though the affidavit of the Deputy Superintendent of Police,

Sonepat has been attached alongwith the said application for condonation of delay.

We are of the considered opinion that a reasonable explanation had to be given for making out sufficient cause for condonation of delay, at least for the period of almost one year, which is not coming forth. It is settled principle that the State is also under a bounden duty as such to give reasonable explanation for the delay, even though it might be burdened with the procedure of paper work more than a private litigant. However, it has been time and again held by the Apex Court that it cannot be placed at a better pedestal than a normal litigant.

In such circumstances, we are of the considered opinion that keeping in view the law laid down in ***Maniben Devraj Shah vs. Municipal Corporation of Brihan Mumbai, AIR 2012 SC 1629***, no case is made out for condoning the substantial delay of 438 days which has occurred in filing the appeal.

Resultantly, the application for condonation of delay as well as the main appeal are dismissed.

(G.S. SANDHAWALIA)
JUDGE

28.04.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No