

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

201

**CRM-A-629-MA-2012 (O&M)
Decided on : 03.02.2023**

Bureau of Indian Standards

. . . Applicant(s)

Versus

M/s Avet Chemicals Ltd. and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None.

SANJAY VASHISTH, J. (Oral)

1. Criminal Complaint No.397/2/2005, dated 05.09.2005, was filed by applicant-complainant i.e. Bureau of Indian Standards against (1) M/s Avet Chemicals Ltd., and (2) Ms. V.S. Abrol, for committing offence under Section 11(1) read with Section 33 of the Bureau of Indian Standards Act, 1986 (for brevity 'the Act').

2. Vide judgment dated 03.01.2011, passed by the Ld. Judicial Magistrate Ist Class, Jalandhar, both the accused were acquitted of the charges framed against them. Thus, present application i.e. CRM-A-629-MA-2012, was filed under Section 378(4) of Cr.P.C. for grant of special leave to appeal against the judgment of acquittal dated 03.01.2011.

3. There is another application i.e. CRM-43989-2012, seeking condonation of delay of 425 days in filing the appeal i.e. special leave to appeal. Application for condonation of delay was first time taken up on 28.09.2012, and thereafter, same was adjourned for one reason or the other. It was adjourned to explain the delay period or for the reason that there was no representation on behalf of the applicant. Vide order dated 22.08.2014, notice re: condonation of delay was issued for 08.12.2014. However, notice in the application for condonation of delay could not be issued because of non-filing

of the process fee. Thereafter, again notice in the said application could not be served on account of non-supplying of the correct address.

4. Despite of granting several opportunities by this Court, correct address was never supplied by the applicant, so as to enable the Registry to issue notice.

5. Not only this, there was no representation on 01.06.2017, 27.10.2017, and 29.08.2018. On 03.12.2018, counsel for the applicant appeared and sought time to supply the correct address. However, thereafter, on 11.03.2019, neither the correct address was supplied nor anybody appeared on behalf of the applicant. Still fresh notice was issued subject to the furnishing of correct address within four weeks from 11.03.2019. Again there was no representation on 02.08.2019, as the lawyers had abstained from the work, but still notice could not be issued because of the non-supplying of the correct address.

6. On 15.11.2022 also, there was no representation on behalf of the applicant, and was thus, adjourned for today i.e. 03.02.2023.

7. Today also, no one has put in appearance on behalf of the applicant.

8. Considering the aspects that present application for seeking condonation of delay of 425 days, is pending consideration since the time of filing of application seeking special leave to appeal, i.e. from the year 2012, this Court is left with no other option, except to dispose of the same for the reason of non-prosecution.

9. Dismissed for non-prosecution.

(SANJAY VASHISTH)
JUDGE

February 03, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No