

305 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-29107-2017 in/and
CRM-A-2026-MA-2017
Date of decision:20.11.2023

State of Punjab ...Applicant

vs.

Surinder Pal and others ...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. In compliance of order dated 06.12.2022, affidavit of Deputy Superintendent of Police, Sub-Division Valtoha, camp at Bhikhiwind, District Tarn Taran has been filed and the same is taken on record.
2. The appellant had preferred the main appeal against the impugned judgment dated 14.10.2015, passed by the Court of Additional Sessions Judge, Tarn Taran, whereby the respondents were ordered to be acquitted. Alongwith the main appeal, an application has been filed under Section 5 of the Limitation Act for condonation of delay of 246 days in filing the present appeal.
3. Learned State counsel submitted that the impugned judgment was passed by the Lower Appellate Court on 14.10.2015, however, the certified copy of the said order was applied on 23.11.2015 and the same was prepared on 26.10.2016. Thereafter, the District Attorney, Tarn Taran sent the proposal to the Director Prosecution and Litigation, Punjab, Chandigarh on 01.12.2016 for filing the appeal. After the process, the proposal was sent to the office of

Advocate General, Punjab for legal opinion in this case, which was received in the office of Advocate General, Punjab on 10.01.2017. The file was marked to the Law officer on 11.01.2017 for legal opinion however, the legal opinion was rendered on 05.04.2017 and the proposal was sent to the Government for taking final decision at their end on 19.04.2017. The Government granted sanction on 02.05.2017 for filing the appeal and the report was received in the office of Advocate General, Punjab. However, the appeal was still filed on 09.08.2017 and the delay of 246 days in filing the present appeal had occurred.

4. I have heard learned counsel for the State and perused the record in the present case.

5. In the present case, the judgment was passed by the Appellate Court on 14.10.2015, whereby the respondents were ordered to be acquitted. The file was received in the office of Advocate General, Punjab on 11.01.2017 for legal opinion and for almost three months, the file remained pending for taking final decision in the office of Advocate General, Punjab. Again, the sanction was granted by the Government on 02.05.2017 for filing of the case before this Court. However, again the appeal was filed on 09.08.2017 i.e. after a delay of more than 03 months. Even in the application filed for condonation of delay, there is no explanation for the above-said delay of about six months in filing the present appeal before this Court. In fact, no doubt that the State has to adopt a lengthy procedure, before filing the appeal before this Court, however, the delay at every stage has to be explained properly by the State also like an ordinary litigant. In the present case, no valid explanation is forthcoming and it is apparent that the filing of the present appeal before this Court has been unreasonably delayed.

6. Thus, finding no merits in the present application and the same is

ordered to be dismissed.
7. Pending application, if any, is also disposed off.

20.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No