

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

223

CRM-A-866-MA-2018 (O&M)

Date of Decision: 12.09.2023

Market Committee Sirhind
through Secretary

...Applicant

Vs.

M/s Gobind Enterprises and
another

...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Athar Ahmed, Advocate
for the applicant.

N.S.SHEKHAWAT, J. (Oral)

CRM 16313 of 2018

1. The applicant has filed the present application under Section 5 of the Limitation Act for condonation of delay of 330 days in filing the application for special leave to appeal, against the impugned judgment dated 14.10.2016 passed by the Additional Chief Judicial Magistrate, Fatehgarh Sahib, whereby, the respondent was ordered to be acquitted of the notice of accusation.

2. As per the learned counsel for the applicant, the impugned judgment was passed by the trial Court on 14.10.2016 and the certified copy of the order was delivered on 26.10.2016. However, the case was entrusted to the learned counsel on 21.01.2017 by the department and the certified copies of the impugned judgment were supplied to the learned counsel on 12.02.2017. Later on, the lower

court record was entrusted to the learned counsel on 27.03.2017. However, from the record, it is apparent that the present application for special leave to appeal has been filed on 13.11.2017 before this Court.

3. Learned counsel for the applicant submits that the delay of 330 days has occurred in filing of the present application for leave to appeal due to certain procedural delays and the delay in filing the appeal is unintentional and bonafide.

4. I have heard learned counsel for the applicant and found no grounds to condone the delay in filing the present application for leave to appeal before this Court. As per the learned counsel for the applicant, the certified copy of the impugned judgment was supplied to the learned counsel on 12.02.2017 and even the lower Court record was received by the learned counsel on 27.03.2017. However, application for special leave to appeal was preferred before this Court after a period of about 08 months of unexplained delay. Thus, finding no merits in the application, the application for condonation of delay in filing the present application for special leave to appeal is ordered to be dismissed.

CRM-A-866-MA-2018

1. Since the application under Section 5 of the Limitation Act for condonation of delay in filing the present application has

already been dismissed, no separate orders are required to be passed in the main application for special leave to appeal and the same is also ordered to be dismissed.

- 2. Pending application(s), if any, is also disposed off.
- 3. Case property, if any, be dealt with, and, destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.

12.09.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No