

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

**CRM-20618-2022 in/and
CRM-A-320-2022
Date of Decision: 28.08.2023**

Union of India

. . . . Appellant

Vs.

Jaswinder Singh @ Sandeep and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rajiv Sharma, Advocate, for the applicant/appellant.

DEEPAK GUPTA, J.

**CRM-20618-2022 in/and
CRM-A-320-2022**

The respondents were acquitted by ld. trial Court vide judgment dated 05.11.2016 in case FIR No.11 dated 23.07.2011 registered at Police Station, RPF, Sirhind, under Section 3 of the Railway Property (Unlawful Possession) Act, 1966 and Section 153 of the Railways Act, 1989.

2. The present appeal, against afore said acquittal, filed by Union of India, is accompanied by an application under Section 5 of the Limitation Act, 1963, to condone the long delay of 1292 days in filing the appeal.

3. It is contended that appeal was initially filed on 16.05.2017, but some objections were raised by the Registry. Later on, due to some renovation work going on in the office of ld. counsel for the applicant/appellant, the paper-book was misplaced thrice and it is only on

the finding of the said paper-book that appeal has been filed and that all this has been resulted in delay of 1292 days in filing of the appeal.

4. The reasons for delay, as projected by ld. counsel for the applicant/appellant, are absolutely not justifiable. No ground for condoning the long delay of 1292 days in filing of the appeal against the impugned judgment of acquittal, is made out. Even otherwise, after going through the trial court judgment acquitting the respondents, this court finds no illegality therein, as finding of acquittal is based on proper appreciation of evidence on record.

5. Accordingly, the application for condonation of delay of 1292 days in filing of the appeal is hereby dismissed.

6. Since, application for condonation of delay in filing the appeal has been dismissed, therefore, appeal of the applicant/appellant deserve to be dismissed being barred by limitation. Same is also dismissed on merits for the reasons stated above.

(DEEPAK GUPTA)
JUDGE

28.08.2023

Vivek

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No