

S. No.114

2024:PHHC:014750

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5594 of 2024

Date of Decision:02.02.2024

Kiran Bakshi

.....Petitioner

Vs.

Mam Chand and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parminder Singh, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

CRM-M-17847 of 2023 was disposed of by this Court on 01.05.2023

vide Annexure P.3 by passing the following order:-

“Counsel for the petitioner has placed on record the copy of the order dated 27.04.2023 passed by learned Appellate Court revealing that petitioner appeared thereat and handed over the draft for ₹8 lacs and cash amount of ₹4,000/-, which was received by the respondent.

Said factual position is conceded by counsel for respondent No.1.

In view of above, order dated 19.12.2022 (Annexure P-3) passed by learned Addl. Sessions Judge, Ambala, is hereby set aside. However, petitioner has to appear before the Court concerned on or before 24.05.2023, the date already fixed thereat and apply for bail and on his such appearance, the Appellate Court shall admit him to bail on his furnishing requisite personal and surety bonds.

The limited prayer made by learned counsel for respondent No.1 is to direct the Appellate Court to dispose of the appeal in a time bound manner considering that this complaint was instituted way back in May, 2015, i.e. about 8 years back.

Disposed of.

The Trial Court is directed to make all possible efforts to dispose of the appeal within a period of six months.”

By way of present petition, petitioner submits that subsequent to the afore-said order, she had filed another petition bearing CRM-M-35970 of 2023 to extend the time to submit the bail bonds and the same was disposed of vide order

dated 11.09.2023 (Annexure P.4). Petitioner appeared before the Appellate Court and furnished fresh bonds. However, in the meantime, petitioner suffered brain stroke and almost loss of sense and was admitted in emergency condition. She remained admitted in Ganga Ram Hospital, New Delhi from 11.10.2023 to 16.10.2023. Petitioner prays that this Court should issue direction to the Appellate Court to extend the time for another six months so as to decide the appeal.

Appeal in question before the learned Appellate Court has been filed by the petitioner herself, challenging her conviction. It is at the request made by the petitioner as noticed in the order dated 01.05.2023 (Annexure P.3) that the Appellate Court was directed to dispose of the appeal by making all possible efforts within a period of six months.

Ironically, now petitioner herself prays to extend this time. In case petitioner is sick, as is contended by her, she may move appropriate application before the concerned Appellate Court so as to exempt her personal appearance. As such, this petition is hereby disposed of with liberty to the petitioner to move appropriate application before the Appellate Court concerned for seeking exemption of her appearance. In case, any such application is moved, the Appellate Court shall consider the same sympathetically. However, prayer made by the petitioner to extend the time for disposal of the appeal is hereby declined.

Disposed of.

February 02, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No