

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-5026-2024 in/and
CRM-A-1359-MA-2016(O&M)
Date of Decision: 08.02.2024

Malook Raj ...Appellant
vs.
Latif Masih and others ...Respondents

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

Present : Mr. Kunal Sarangal, Advocate
for the applicant-appellant.

N.S.Shekhawat J. (Oral)

CRM-5026-2024

1. The present application has been filed under Section 482 Cr.P.C. with a prayer to restore the main case i.e. CRM-A-1359-MA-2016, which was dismissed for non-prosecution vide order dated 12.10.2023.

2. For the reasons mentioned in the application, the same is allowed and the main case is ordered to be restored to its original number and status.

CRM-23154-2016

1. The applicant-appellant has filed the present application under Section 5 of the Limitation Act of condonation of delay of 200 days in filing the present appeal before this Court.

2. The applicant-appellant has preferred the main appeal against the impugned judgement dated 21.09.2015 passed by the Court of Additional Chief Judicial Magistrate, Gurdaspur, whereby the respondents were ordered to be

acquitted of the charges under Sections 148, 452, 323, 149 of IPC. Along with the appeal, the applicant-appellant has also filed the present application under Section 5 of the Limitation Act for condonation of delay of 200 days in filing the present appeal on the ground that the applicant-appellant was initially advised to file an appeal before the Sessions Court. However, he came to know that the appeal had to be filed before this Court and due to this, the delay of 200 days had occurred in filing the present appeal.

3. I have heard learned counsel for the applicant at length and perused the record.

4. The main contention raised on behalf of learned counsel for the applicant is that the applicant was initially advised to file an appeal before the Sessions Court, however, when he came to know that the appeal was to be filed before this Court, he immediately preferred the present appeal. However, the application filed by the present applicant is completely vague and is apparently frivolous. It has not been mentioned as to who had advised the applicant to file an appeal before the Sessions Court. Even, it has not been mentioned as to whether an appeal was preferred before the Sessions Court or not and if any appeal was filed at all, what was the fate of such an appeal. Even neither any grounds of appeal nor any order passed by the Sessions Court have been annexed with the present memo of appeal. Thus, it is apparent that the plea raised by the applicant is without any basis and there is no ground to condone the delay of 200 days in filing the present appeal before this Court. Consequently, the application is ordered to be dismissed.

CRM-A-1359-MA-2016(O&M)

1. Since the application for condonation of delay of 200 days in filing
the present appeal is dismissed, the main appeal is also dismissed.
2. Pending applications, if any, are also disposed of.

08.02.2024.
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No