



CRM-A-1576-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1576-2019 (O&M)
Date of Decision: 03.12.2024

CHARANJIT

.. applicant

Vs.

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. C.L. Verma, Advocate for the applicant.

...

SUMEET GOEL, J. (Oral)

1. The present application has been filed on behalf of the applicant seeking condonation of delay of 396 days in filing the application seeking leave to appeal. Leave to appeal has been sought for by the applicant against the judgment dated 22.03.2018 passed by the ld. Addl. Sessions Judge, Jalandhar, wherein respondent No.2 was acquitted of the charges in FIR No.136 dated 29.08.2015, under Section 306 of IPC, registered at Police Station Division No.7, Jalandhar.

2. Learned counsel appearing for the applicant, while seeking grant of prayer for condonation of delay of 396 days, has argued that the delay has occurred as the applicant is a poor person and lacked sufficient funds to engage a counsel to file the instant application seeking leave to appeal before this Court. According to learned counsel, the applicant has now managed to engage the undersigned counsel after arranging some funds from his relatives. Learned counsel for the applicant has further argued that

the circumstances of the case indicate that the delay in filing the application

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seeking leave to appeal is neither intentional nor deliberate hence delay deserves to be condoned.

3. I have heard learned counsel for the applicant and have perused the paper-book.

4. It would be apposite to refer herein to a judgment of this Court passed in **CRR(F)-1844-2023** titled as **Deepak vs. Noori and another** decided on 29.02.2024; relevant whereof reads as under:-

"8. As a sequel to above-said discussion, the following principles of law emerge:

A liberal approach, undoubtedly, ought to be accorded to a plea for condonation of delay made under Section 5 of The Limitation Act, 1969 so as to further the cause of substantial justice. The concept of substantial justice essentially includes in itself the desirability of adjudication of a claim of the litigant on merits thereof rather than rejection of the same, at the threshold, on account of being barred by limitation. However, adoption of such liberal approach cannot be stretched to mean that a prayer (for condonation of delay) ought to be granted sans reasonable explanation therefor. An applicant (seeking condonation of delay) has to bring forward cogent, credible and lucid reason(s) to substantiate such a plea. In case such reason(s) is not scrutable, a Court would well be within its discretion to decline such plea (for condonation of delay). In other words, inexplicable delay ought not to be condoned.

II.A Court ought to grant an application seeking condonation of delay when no negligence, inaction or want of bona fide is imputable to such applicant and/or such delay has occurred on account of circumstances beyond reasonable control of such applicant.

III. It is not the length of delay (sought to be condoned) but explanation thereof which is relevant for consideration by a Court.

IV. Law of limitation does not require an applicant (seeking condonation of delay) to furnish an exhaustive explanation on 'day to-day basis' for such delay. A Court while dealing with a plea for condonation of delay need not undertake such a pedantic approach.

V. In appropriate cases, a Court may consider imposing costs while granting an application for condonation of delay. However, the quantification of costs so imposed, must reflect the same being commensurate to the lis in issue as also attending circumstances therein.

VI. The factum; of non-applicant(s) or even strangers having altered their position(s) relying upon the applicant not having filed an appeal/revision etc. within stipulated time and resultant effects thereof; will indubitably be a pertinent factor for consideration of a plea for condonation of delay.

VII. A plea for condonation of delay by the State as also its instrumentalities has to be accorded a more liberal approach since the machinery involved in their working is impersonal in nature & hidden



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factors working therein cannot be given a complete amiss.

VIII. The discretion of a Court, while considering a plea for condonation of delay, will be exercised in view of peculiar facts/circumstances of an individual case. It is neither prudent nor feasible to fix any exhaustive guidelines for exercising such judicial discretion. On the contrary, it would be perilous to lay down such general criteria for governing such discretion. Needless to emphasize that exercise of such judicial discretion/power ought to be within the four corners of well settled principles of justice, good conscience and fair play."

5. More recently the Hon'ble Supreme Court in case titled as ***Pathapati Subba Reddy (Died) by L.Rs & Ors. vs. The Special Deputy Collector (LA), Neutral Citation: 2024 INSC 286***, has observed as under:

"26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

xxx xxx xxx xxx xxx xxx

vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

6. Condonation of delay of 396 days in filing the application seeking leave to appeal is sought for on the following relevant averments:

"3. That the present appellant is a poor person and have no source of income and due to financial crises the present appellant could not arrange the money for filing the present appeal in this Hon'ble Court and now the appellant has borrowed the money from the relatives and thereafter approach the undersigned counsel on 25.07.2019.

4. That there was no intention on behalf of the appellant to file the present appeal with the delay of 396 days and it is only due to circumstances as mentioned above and delay in filing the present appeal is unintentional and nothing has been gain by the appellant while filing the present appeal with the delay of 396 days.

5. That as per the facts and circumstance of the present case, there is sufficient grounds to condone the delay of 396 days in filing the present appeal. In the interest of justice the delay of 396 days may kindly be condoned."

7. A perusal of the above-said averments clearly show that no reasonable or plausible explanation has been furnished by the applicant to condone the delay of 396 days in filing the application seeking leave to

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appeal. The applicant has failed to provide any concrete explanation or document to demonstrate his genuine efforts in pursuing the matter within the prescribed time limit. No cause much less sufficient cause, as required in law, has been shown to justify or condone the significant delay of 396 days in filing the application seeking leave to appeal. The delay is both inordinate and inexplicable. Merely attributing the delay to unforeseen circumstances, without any supporting details or evidence to substantiate these claims, does not meet the legal threshold for condonation. The applicant has neither shown continuous interest in the case nor presented any exceptional or unavoidable circumstances that could explain such an extensive delay.

7.1 The explanation for the delay contained in the application seeking condonation of delay is wholly unsatisfactory and can hardly be said to be a reasonable, satisfactory or even a proper explanation for seeking condonation of delay. In the facts and circumstances of the case as narrated hereinabove, the application seeking condonation of delay of 396 days in filing the application seeking leave to appeal merits dismissal.

Decision

8. The application (CRM-23222-2019) seeking condonation of delay of 396 days in filing the application seeking leave to appeal is dismissed. Since the application seeking condonation of delay has been dismissed, the application seeking leave to appeal stands dismissed as well accordingly.



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9. Pending application(s), if any, shall also stand disposed off.

03.12.2024

Jasmine Kaur

Whether speaking/reasoned
Whether reportable

(SUMEET GOEL)
JUDGE

Yes No
Yes No