

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

**CRA-S-3080-2019 (O&M)
Date of Decision:30.10.2019**

Balvir Kaur @ Balviro

...Appellant

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.D.Rattewal, Advocate for the appellant.

ANIL KSHETARPAL, J.

CRM-33028-2019

Allowed, as prayed for.

CRM-33030-2019 and CRA-S-3080-2019

Prayer is to condone the delay of 3500 days in filing the appeal.

Appellant was convicted under Section 382/149 IPC and sentenced to rigorous imprisonment for a period of 3 years and to pay fine of Rs.1000/- or in default of payment of fine, to further undergo rigorous imprisonment for a period of one month, vide judgment dated 28.04.2010.

Appellant did not file the appeal within time. She was arrested by the police on 20.09.2019 and now this appeal has been filed on 17.10.2019.

The condonation of delay has been prayed for on the following grounds:-

“That the appellant being illiterate and misguided was not aware with the process of law for filing an appeal, however, in the meanwhile she was arrested by the police due

to non filing of the appeal on 20.09.2019 and since then she is in judicial custody. Hence, the delay occurred in filing the appeal in this Hon'ble Court.

That the delay in filing the appeal is not intentional or deliberate but due to the reasons mentioned above and in case the delay is not condoned then the appellant would suffer an irreparable loss and injury and the very purpose of filing the appeal would be frustrated.”

It is apparent from the reading of the application that appellant has failed to disclose sufficient cause for condoning the huge delay of more than 9½ years. As per the judgment passed by the Court of Sessions, appellant along with her co-accused had snatched gold chain from the victim and in that process also caused injuries. Thereafter, appellant along with co-accused had fled away from the spot in a car bearing Registration No. PB-42-0013.

Learned counsel for the appellant has submitted that connected appeal filed by the co-accused had been admitted and therefore, the present appeal should also be admitted.

This court has considered the submission, however find no substance therein.

Delay in the present case is not only huge but remains totally unexplained. Co-accused of the appellant Jarnailo @ Chhindo filed appeal on 20th December, 2016, whereas Kamaljit @ Kala filed the appeal and got admitted on November 8, 2016.

It is apparent from the reading of the application of condonation of delay that the appellant has thought of filing the appeal only after she has been arrested by the police. She remained absconder from the

law for a period of more than 9 ½ years.

In view thereof, this Court is of the view that there is no ground to condone the delay. Hence, the application for condonation of delay as well as appeal are dismissed as time barred.

30.10.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No