

\$~72



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 1031/2024 & CRL.M.A. 24286/2024**

STATE OF NCT OF DELHI

.....Petitioner

Through: Mr. Naresh Kumar
Chahar, APP for the State
along with Mr. Sagar
Dhingra, Mr. Pushpendra
Veer Pratap Singh, Mr.
Hammad Khan, Mr.
Shubham Lakra, Mr.
Shikhar Bhardwaj, Advs.
SI Savita Solanki, PS
Punjabi Bagh.

versus

DAANVIR KARAN SINGH LAMBA & ANR.

.....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

16.08.2024

CRL.M.A. 24285/2024 (seeking exemption from filing
certified and true typed copy of annexures)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.A. 24286/2024 (for condonation of delay of 564 days in
filing the petition).

3. The present petition is filed by the State challenging the order dated 25.01.2023 (hereafter '**the impugned order**'), passed by the learned Trial Court, in SC No. 648/2022 arising out of FIR No.505/2022, registered at Police Station Punjabi Bagh, whereby the respondents were discharged for offences under Sections 376D/506 of the Indian Penal Code, 1860.

4. It is not disputed that the challenge to the impugned order
CRL.REV.P. 1031/2024

Page 1 of 3



is pending consideration before this Court in CRL. M.C. 982/2023. The said petition was filed by the complainant. The State is a party in the said petition and has been supporting the case of the complainant.

5. The present petition is filed with an inordinate delay of 564 days. No reason has been mentioned why the delay should be condoned except stating that the petitioner is a Government Department and the file has to be processed through various channels.

6. The Hon'ble Apex Court has frowned upon following of such practices by the Government departments. The Hon'ble Apex Court, in the case of ***Postmaster General v. Living Media India Ltd. : (2012) 3 SCC 563***, had held that the Government cannot claim to have a separate period of limitation when the Department is possessed with competent persons familiar with court proceedings. The delay cannot be condoned mechanically merely because the Government or a wing of the Government is a party before the Court. The Hon'ble Apex Court had rejected the claim on account of impersonal machinery and bureaucratic methodology of making several notes in view of the modern technologies being used and available.

7. The Hon'ble Supreme Court in the case of ***State of M.P. v. Bherulal : (2020) 10 SCC 654***, while observing the irony that no action is taken against the officers who sit on files and do nothing under a presumption that the court would condone the delay in routine, held as under:

“6. We are also of the view that the aforesaid approach is being adopted in what we have categorised earlier as “certificate cases”. The object appears to be to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue and thus, say that nothing could be done because the highest Court has dismissed the appeal. It is to complete this formality and save the skin of officers who may



be at default that such process is followed. We on earlier occasions also strongly deprecated such a practice and process. There seems to be no improvement. The purpose of coming to this Court is not to obtain such certificates and if the Government suffers losses, it is time when the officer concerned responsible for the same bears the consequences. The irony is that in none of the cases any action is taken against the officers, who sit on the files and do nothing. It is presumed that this Court will condone the delay and even in making submissions, straightaway the counsel appear to address on merits without referring even to the aspect of limitation as happened in this case till we pointed out to the counsel that he must first address us on the question of limitation.”

8. Therefore, unless a reasonable and acceptable explanation for the delay is provided, the same cannot be accepted. As held by the Hon'ble Apex Court, the Government departments are obligated to ensure that they perform their duties with diligence and commitment.

9. In the present case, no cogent reasons have been given for the Court to accept that the petitioner was prevented from filing the petition within the period of limitation.

10. Considering that the challenge to the impugned order is already pending consideration and the State is addressing arguments there in support of the complainant, this Court does not consider it apposite to entertain the present petition.

11. The present petition is, therefore, dismissed on account of delay.

AMIT MAHAJAN, J

AUGUST 16, 2024

“SK”