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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 378/2023 & CRL.M.A. 11794/2023

STATE

.....Appellant

Through: Ms. Richa Dhawan, APP
for the State with SI
Deepak, PS Budh Vihar.

versus

VIKAS @ BILLA

.....Respondent

Through: Ms. Astha, Advocate from
DHCLSC with Ms. Megha
Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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14.07.2025

1. The present appeal is filed by the appellant challenging the order dated 14.03.2022 (hereafter '**impugned order**'), passed by learned Trial Court in Criminal Case No. 276/2022 arising out of FIR No.344/2021, registered at Police Station Budh Vihar.
2. After observing that the respondent had pleaded guilty to the offence under Section 25 of the Arms Act, 1959, ('**Arms Act**'), by the impugned order, the learned Trial Court sentenced the respondent with imprisonment for the period already undergone by him for the aforesaid offence.
3. The learned Additional Public Prosecutor for the State submits that no reasons have been given by the learned Trial Court for imposing a sentence for a term of less than one year.
4. She submits that Section 25(1B) of the Arms Act provides that the punishment shall not be less than one year, however, the Court may exercise the discretion for imposing a lesser sentence after recording adequate and special reasons in the judgment.



5. She submits that the learned Trial Court only noted that the accused has made a plea of guilt voluntarily and granted a sentence for the period already undergone which was four and half months at that stage. She submits that the plea of guilt cannot be a ground as specified in the proviso to Section 25 of the Arms Act.

6. She further states that the delay caused in preferring the said appeal was caused inadvertently due to procedural formalities.

7. The learned counsel for the respondent states that the respondent belongs to the poor strata of the society and he is the sole bread earner of his family, which includes his two younger sisters and old mother. She submits that the said fact has been specifically noted by the learned Trial Court.

8. I have heard the counsel and perused the record.

9. At the outset, it is relevant to note that the appeal is filed with an inordinate delay of 299 days. It is well settled that each day of the delay is required to be explained. No worthy reasons have been pleaded in the application seeking condonation of delay that would warrant this Court to condone the delay. Standard explanations have been provided that the file pertaining to the case had to go through various authorities and the administrative process of moving the file from one table to another had caused the delay.

10. 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.

11. The Hon'ble Supreme Court, in the case of ***State of M.P. v. Bherulal*** : (2020) 10 SCC 654, observed 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, and deprecated such a practice.

12. Therefore, unless a reasonable and acceptable explanation for the delay is provided, the same cannot be condoned. As held by the Hon'ble Apex Court, the Government departments are under such obligation to ensure that they perform their duties with diligence and commitment. As noted above, the reasons pleaded in the application for condonation of delay neither reasonable nor sufficient for condonation of delay.

13. Even otherwise, the learned Trial Court in the impugned order notes that the entire facts and circumstances have been considered. The learned Trial Court has also duly taken note of the contention of the learned counsel for the respondent that a lenient view be taken as the respondent is the sole bread earner of his family comprising of two younger sisters and old aged mother. Although no specific finding was recorded that a sentence for a term of less than one year was being awarded due to the same, in the opinion of this Court, the aforesaid factors are adequate for imposing a lesser sentence.

14. Considering the aforesaid discussion, I find no reason to interfere with the impugned order.

15. The appeal is therefore dismissed along with the pending application for condonation of delay.

AMIT MAHAJAN, J

JULY 14, 2025/DU