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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.REV.P.(NDPS) 3/2025, CRL.M.A. 11608/2025 & CRL.M.A. 11610/2025

NARCOTICS CONTROL BUREAU

.....Petitioner

Through: Mr. Arun Khatri, SSC
(through VC) & Ms.
Shelly Dixit, Adv.

versus

YASHPAL SINHMAR

.....Respondent

Through: Mr. Anurag Ahluwalia, Sr.
Adv. with Mr. Kaushal
Jeet Kait, Mr. Jatin Yadav,
Mr. Gaurav Dua & Mr.
Daksh Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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15.07.2025

CRL.REV.P.(NDPS) 3/2025, CRL.M.A. 11610/2025 (for seeking condonation of 217 days delay in filing the present petition)

1. The present revision petition has been filed by the petitioner Department under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') read with Section 528 of the BNSS challenging the order dated 06.06.2024 (hereafter '**impugned order**') passed by learned Additional Sessions Judge ('ASJ'), Special Judge (NDPS), Patiala House Courts, New Delhi in Sessions Case No. 70/2022.

2. By the impugned order the learned ASJ discharged the accused/respondent for the offence punishable under Sections 22(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**').

3. The present application has been filed by the petitioner Department under Section 5 of the Limitation Act, 1963 seeking



condonation of delay of 217 days in filing the present revision petition.

4. The learned standing counsel for the petitioner Department submits that the delay in filing the present revision petition was due to the Department's transition to digitized file management.

5. He submits that initially the matter was processed through physical files, however, due to the aforesaid decision the same had to be re-submitted via the e-office system which caused delay in tracing the earlier submitted documents.

6. He further submits that the delay in filing the present revision petition is also due to the layered approval mechanism, institutional handovers, manpower constraints and procedural safeguards required in cases involving the NDPS Act.

7. *Per contra*, the learned Senior Counsel appearing for the accused/respondent opposes the arguments raised by the learned standing counsel for the petitioner Department and consequently prays that the present petition be dismissed.

8. 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.

9. The Hon'ble Supreme Court in the case of ***State of M.P. v.***



Bherulal : (2020) 10 SCC 65 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 a process is followed. We have 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.

7. We are thus, constrained to send a signal and we propose to do in all matters today, where there are such inordinate delays that the Government or State authorities coming before us must pay for wastage of judicial time which has its own value. Such costs can be recovered from the officers responsible.”

10. The present revision petition is filed with a delay of 217 days. Apart from the usual excuses which are taken by the Government Departments, no worthy reason has been mentioned which would entitle the application for condonation of delay, that is, CRL. M.A. No. 11610/2025, to be allowed.

11. The application merely states that the impugned order was pronounced on 06.06.2024 and the legal opinion for filing the



present revision petition was ~~not~~ on 14.06.2024.

12. It is further stated that initially the documents were processed through physical files, however, with the Department's transition to digitized file management the same had to be resubmitted through e-office system which caused delay in tracing the earlier submitted documents. General ground of delay due to transition to digitized filing has been pleaded without any date, time or month being specified. It is unacceptable that around 6 months time was taken for such purposes and the prosecution is delayed. This itself shows non-seriousness towards prosecuting the cases.

13. 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 under such obligation to ensure that they perform their duties with diligence and commitment.

14. In the present case, it is apparent that no reasonable explanation has been given by the petitioner Department to condone the delay in filing the present revision petition.

15. In view of the above the application seeking condonation of delay is dismissed.

16. Consequently, the present revision petition is dismissed on the ground of delay. Pending application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

JULY 15, 2025