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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.L.P. 409/2018 & CRL.M.A. 11819/2018

CENTRAL BUREAU OF INVESTIGATION.....Petitioner

Through: Mr. Ripudaman Bhardwaj,
SPP with Mr. Kushagra
Kumar and Mr. Amit
Kumar Rana, Advocates.

versus

NIRMAL SINGHRespondent

Through: Mr. Rajeev Chhibber, Ms.
Kiran Saini, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **07.11.2025**

1. The present petition is filed under Section 378(3) of the Code of Criminal Procedure, 1973 ('CrPC') seeking leave to challenge the judgment dated 08.09.2017 (hereafter '**impugned judgment**') passed by the learned Trial Court in CC No. 05/2025.

2. By the impugned judgment, the learned Trial Court acquitted the respondent of the offences under Sections 7/13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 ('PC Act').

3. Briefly stated, the present case was registered on the basis of a complaint alleging that the respondent being SI, Operation Cell, Delhi Police demanded Rs.1,00,000/- from the complainant for settlement of a complaint case against the complainant. The petitioner Department laid a trap, during which the accused was allegedly caught accepting a bribe of Rs. 70,000/-. Charges were



framed against the respondent for offences under Sections 7/13(2) read with Section 13(1)(d) of the PC Act. The learned Trial Court *vide* judgment dated 08.09.2017 acquitted the respondent of the charged offences.

4. At the very outset, this Court finds it apposite to deal with the application for condonation of delay filed by the petitioner Department under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 205 days in filing the present leave to appeal.

5. The learned standing counsel for the petitioner Department submits that the delay in filing the present leave to appeal was due to administrative delays.

6. He further submits that the procedural formalities required to be fulfilled by the petitioner department entailed multiple departments and approvals at various levels which cumulatively led to a delay of 205 days in preferring the present leave to appeal.

7. The petitioner has further produced a table enumerating reasons for the delay in filing the present petition. The same is reproduced below:

No.	Details	Dates
1	Impugned order/ judgement passed	08.09.2017
2	Certified copy applied	11.09.2017
3	Certified copy received	18.09.2017
4	Case processed in Branch office of CBI	27.09.2017



5	Case file forwarded to Head Office of CBI for its opinion	01.11.2017
6	Head office, CBI passed order recommending filing of appeal	05.01.2018
7	Case sent to DoPT/Govt. of India for permission to file appeal	24.01.2018
8	Decision taken by DoPT/Govt. of India to file appeal	05.06.2018
9	Decision of DoPT/Govt. of India received in CBI office	08.06.2018

8. *Per contra*, the learned counsel for the respondent has vehemently opposed the condonation of delay application preferred by the petitioner Department. He submits that the Leave to Appeal was filed belatedly and the Department has furnished no proper explanation for the delay apart from vague assertions of administrative issues. He further submits that the cause for each day of delay ought to be explained and the intent of the petitioner Department is to just keep the litigation alive for years.

9. 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.

10. 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 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.”

11. The present leave to appeal is filed with a delay of 205 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. 11819/2018, to be allowed.

12. The application merely states that the procedural formalities required to be fulfilled by the petitioner department entailed multiple departments and approvals at various levels which cumulatively led to the delay.

13. Further, the application merely provides a table which exhibits the dates on which the case file was sent from one department to another. There are several intervals between the dates mentioned which also remain unexplained.

14. No cogent reasons have been given to justify the delay for this Court to accept that the petitioner was prevented from filing the petition within the period of limitation. Lackadaisical attitude of officials and inefficiency of the State mechanism alone cannot be deemed to be sufficient reason to warrant condonation of delay. 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.

15. 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 leave to appeal.

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

17. Consequently, the present leave to appeal is dismissed on the ground of delay. Pending application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 7, 2025/DU

CRL.L.P. 409/2018

Page 5 of 5