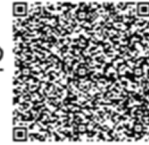


IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:140932



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CRM-23689-2025 in/&
CRM-A-1079-2025 (O&M)
Date of decision: 13.10.2025

Shanti Devi

....Applicant/Appellant

V/s

Gulshan & others

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sushil Jain, Advocate for the applicant/appellant.

SUMEET GOEL, J. (Oral)

CRM-23689-2025

1. The present application has been filed on behalf of the applicant-petitioner seeking condonation of delay of 2500 days in filing the accompanying appeal. The main revision petition has been filed impugning the judgment dated 03.03.2025, passed by the learned Additional Sessions Judge, Sonapat dismissing the appeal preferred by the applicant-appellant against the judgment of acquittal dated 03.06.2016 of the Judicial Magistrate 1st Class, Sonapat whereby respondents (herein) were acquitted from the charges framed against them for the offences under Sections 494, 114 and 34 IPC. The applicant-appellant, by way of instant appeal, impugns the abovesaid two judgments to the extent of acquitting the respondents for the offences punishable under Sections 494, 114 and 34 IPC.

2. Learned counsel appearing for the applicant-petitioner, while seeking grant of prayer for condonation of delay of 2500 days, has argued that the delay of 2500 days in filing the present criminal appeal is neither

intentional nor deliberate, but has occurred solely due to a *bona fide* and inadvertent error on the part of the earlier counsel who had represented the applicant before the learned Trial Court. Learned counsel while referring to the paper-book has submitted that the record would reveal that the applicant had earlier preferred an appeal against the judgment dated 03.06.2016 passed by the Learned Judicial Magistrate 1st Class, Sonapat, before the Learned Additional Sessions Judge, Sonapat. However, the said appeal was wrongly filed before the Court of Additional Sessions Judge, instead before this Court. It is further submitted that the said appeal remained pending for a considerable period and was eventually dismissed on 03.03.2025 by the learned Additional Sessions Judge, Sonapat, on the ground that the appeal itself was not maintainable before that Court. Learned counsel has, accordingly, argued that only after the pronouncement of the order dated 03.03.2025, the applicant come to know that the appeal was required to be filed before this Court, and not before the Sessions Court. He has further submitted that it is thereafter the applicant, upon receiving proper legal advice, has now approached this Court by filing the present appeal. Learned counsel for the applicant-petitioner has further submitted that an application for condonation of delay ought to be considered liberally, particularly, where the applicant-petitioner has good case on merits. On these submissions, condonation of delay of 2500 days in filing the appeal has been sought.

3. I have heard the learned counsel for the applicant-appellant and have perused the paper-book.

4. It would be apposite to refer herein to a judgment of this Court passed in ***CRR(F)-1844-2023*** titled as ***Deepak vs. Noori and another***, decided on 29.02.2024; relevant whereof reads as under:-

“8. As a sequel to above-said discussion, the following principles of law emerge:

I.A liberal approach, undoubtedly, ought to be accorded to a plea for condonation of delay made under Section 5 of The Limitation Act, 1963 so as to further the cause of substantial justice. The concept of substantial justice essentially includes in itself the desirability of adjudication of a claim of the litigant on merits thereof rather than rejection of the same, at the threshold, on account of being barred by limitation. However, adoption of such liberal approach cannot be stretched to mean that a prayer (for condonation of delay) ought to be granted sans reasonable explanation therefor. An applicant (seeking condonation of delay) has to bring forward cogent, credible and lucid reason(s) to substantiate such a plea. In case such reason(s) is not scrutable, a Court would well be within its discretion to decline such plea (for condonation of delay). In other words, inexplicable delay ought not to be condoned.

II.A Court ought to grant an application seeking condonation of delay when no negligence, inaction or want of bona fide is imputable to such applicant and/or such delay has occurred on account of circumstances beyond reasonable control of such applicant.

III.It is not the length of delay (sought to be condoned) but explanation thereof which is relevant for consideration by a Court.

IV.Law of limitation does not require an applicant (seeking condonation of delay) to furnish an exhaustive explanation on ‘day to-day basis’ for such delay. A Court while dealing with a plea for condonation of delay need not undertake such a pedantic approach.

V.In appropriate cases, a Court may consider imposing costs while granting an application for condonation of delay. However, the quantification of costs so imposed, must reflect the same being commensurate to the lis in issue as also attending circumstances therein.

VI. The factum; of non-applicant(s) or even strangers having altered their position(s) relying upon the applicant not having filed an appeal/revision etc. within stipulated time and resultant effects thereof; will indubitably be a pertinent factor for consideration of a plea for condonation of delay.

VII.A plea for condonation of delay by the State as also its instrumentalities has to be accorded a more liberal approach since the machinery involved in their working is impersonal in nature & hidden factors working therein cannot be given a complete amiss.

VIII.The discretion of a Court, while considering a plea for condonation of delay, will be exercised in view of peculiar facts/circumstances of an individual case. It is neither prudent nor feasible to fix any exhaustive guidelines for exercising such judicial discretion. On the contrary, it would be perilous to lay down such general criteria for governing such discretion. Needless to

emphasize that exercise of such judicial discretion/power ought to be within the four corners of well settled principles of justice, good conscience and fair play.”

5. More recently the Hon’ble Supreme Court in case titled as ***Pathapati Subba Reddy (Died) by L.Rs & Ors. vs. The Special Deputy Collector (LA), Neutral Citation:2024 INSC 286***, has observed as under:

“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

xxx xxx xxx xxx

vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

6. Condonation of delay of 2500 days in filing the accompanying appeal is sought for on the following relevant averments:

“3. That since the complaint of the appellant was dismissed vide judgment dated 03.06.2016 passed by the Ld. Judicial Magistrate 1st Class, Sonapat and the respondent was acquitted from the charges. The legal course to challenge the judgment dated 03.06.2016 is to file an appeal before this Hon'ble High Court whereas the Counsel in the Trial Court had challenged the judgment dated 03.06.2016 passed by the ld. Judicial Magistrate 1st Class, Sonapat by filing an appeal before the ld. Additional Sessions Judge, Sonapat.

4.. That the Counsel before the Ld. Trial Court had committed illegality by way of filing an appeal challenging the judgment dated 03.06.2016 passed by the Ld. Judicial Magistrate 1 Class, Sonapat before the Ld. Additional Sessions Judge, Sonapat. The Ld. Additional Sessions Judge, Sonapat after a lapse of more than five years had dismissed the appeal vide judgment dated 03.03.2025 by recording that he present appeal is not maintainable before this Court hence the present criminal appeal is dismissed.

5. That since the appeal filed by the appellant before the Ld. Additional Sessions Judge was dismissed on 03.03.2025 then the appellant came to know that the Counsel before the Trial Court had committed wrongly filed the appeal before the Ld. Additional Sessions Judge whereas the appeal is to be filed before this Hon'ble High Court. Now, the appellant is filing the

present appeal against the judgment dated 03.06.2016 passed by the Ld. Judicial Magistrate 1 Class, Sonapat and in this process of choosing wrong form and filing the present appeal a delay of 2500 days has occurred.

6. That the delay in filing of the appeal is neither intentional nor deliberate and the delay in filing has been occurred due to the reasons explained above. In case, the delay in filing of the present appeal is not condoned, then the appellant would suffer irreparable loss and injury, which cannot be compensated. It is a fit case where this Hon'ble Court while exercising the powers can condone the delay of 2500 days in filing of the appeal and further the appeal be heard and decided on merits.

7. A perusal of the above-said averments clearly show that no reasonable or plausible explanation has been furnished by the applicant-appellant to condone the delay of 2500 days in filing the accompanying appeal. This application, apart from bereft of any specific details/particulars which may reflect *bona fide* on part of the applicant-petitioner in pursuing his case, rather reflects a deliberate attempt on part of the applicant-appellant to somehow entangle the respondents-accused in prolonged litigation. The applicant-appellant has failed to provide any concrete explanation or document to demonstrate his genuine efforts in pursuing the matter within the prescribed time limit. No cause much less sufficient cause, as required in law, has been shown to justify or condone the significant delay of 2500 days in filing the accompanying appeal. The delay is both inordinate and inexplicable. Merely attributing the delay to unforeseen circumstances, without any supporting details or evidence to substantiate these claims, does not meet the legal threshold for condonation. The applicant-appellant has neither shown continuous interest in the case nor presented any exceptional or unavoidable circumstances that could explain such an extensive delay.

7.1 The explanation for the delay contained in the application seeking condonation of delay is wholly unsatisfactory and can hardly be said to be a reasonable, satisfactory or even a proper explanation for seeking

condonation of delay. In the facts and circumstances of the case as narrated hereinabove, the application seeking condonation of delay of 2500 days in filing the accompanying appeal merits dismissal.

Decision

8. The application (*CRM-23689-2025*) seeking condonation of delay of 2500 days in filing the accompanying appeal is dismissed. Since the application seeking condonation of delay has been dismissed, the main appeal stands dismissed as well accordingly.
9. Pending application(s), if any, shall also stand disposed off.

October 13, 2025
Naveen

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No