

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:173125



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CRM-21793-2019 in/& CRA-AS-184-2019 (O&M)

State of Haryana

....Applicant/Appellant

V/s

Savitri and another

....Respondents

Date of decision: 11.12.2025

Date of uploading: 11.12.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Tarun Aggarwal, Addl.AG, Haryana
for the applicant/appellant.

SUMEET GOEL, J. (Oral)

CRM-21793-2019

1. The present application has been filed on behalf of the applicant-State seeking condonation of delay of 405 days in filing the accompanying appeal. The main appeal has been filed impugning the judgment dated 29.09.2017 passed by the learned Additional Sessions Judge, Rewari whereby respondents were convicted in case FIR No.113 dated 09.05.2017 registered for the offences punishable under Section 379-A IPC at Police Station City Rewari, District Rewari.

2. Learned counsel appearing for the applicant-State, while seeking grant of the prayer for condonation of delay of 405 days, has argued that that the District Attorney, Rewari examined the matter and forwarded his comments/proposal to the District Magistrate, Rewari recommending that an appeal be preferred before this Court. It is further submitted that the District Magistrate, Rewari, after considering the opinion of the District

Attorney/Public Prosecutor, transmitted a draft proposal to the office of the learned Advocate General, Haryana, Chandigarh along with the requisite documents, including the impugned judgment, order on sentence and statements of witnesses, for seeking approval to file the appeal. Learned State counsel further submits that thereafter the matter was placed for legal scrutiny, and the file was duly processed before the learned Additional Legal Remembrancer, Haryana, who upon due consideration had opined that the case was fit for filing an appeal before this Hon'ble Court. It is further contended that the accompanying appeal could not be filed within the statutory period of limitation on account of the detailed official processing and procedural formalities, as enumerated above. It is, accordingly, argued that the delay is neither intentional nor deliberate but rather resulted from the extensive procedural requirements and formalities inherent in the process of obtaining the necessary sanction and hence, deserves to be condoned.

3. I have heard the learned State 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:

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- 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. More recently the Hon’ble Supreme Court in case titled as **Shivamma (Dead) by L.Rs. vs. Karnataka Housing Board and others, Neutral Citation:2025 INSC 1104**, has observed as under:

“171. The next submission that was advanced on behalf of the respondents herein is that, in matters pertaining to condonation of delay, a certain degree of leeway ought to be accorded to the Government and Public Authorities owing to the innate complexities in the way the State apparatus functions. The argument is that due to the inherent bureaucracy and involvement of various departments of different hierarchy which are endemic to the functioning of the State and its instrumentalities, unavoidable delays tend to crop up even without any deliberate intention, and thus, the courts ought to be pragmatic and liberal where the State or any of its instrumentalities is seeking condonation of delay in the filing of the appeal or application, as the case may be. In this regard, reliance was placed on the decision of this Court in **G. Ramegowda, Major & Ors. v. Special Land Acquisition Officer, Bangalore** reported in **(1988) 2 SCC 142**.”

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212. The law as it presently stands, post the decision of Postmaster General (supra), is unambiguous and clear. Condonation of delay is to remain an exception, not the rule. Governmental litigants, no less than private parties, must demonstrate bona fide, sufficient, and cogent cause for delay. Absent such justification, delay cannot be condoned merely on the ground of the identity of the applicant.

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218. However, equally important to note is that wherever, any explanation is sought to be given on account of bureaucratic lethargy and inherent complexities of governmental decision-making, the same more often than not would invariably always is an “excuse”, as experience has shown us, depicted from a long line of decisions of this Court. It is at this stage, where the decision of Postmaster General (supra) assumes significance. It seeks to convey the messages, that court should not be agnostic, to how the State or

its instrumentalities, often tend to take the recourse of condonation of delay in a casual manner.”

7. Condonation of delay of 405 days in filing the accompanying appeal is sought for on the following relevant averments:

“2. That the District Attorney, Rewari after obtaining the certified copy of impugned judgment and order on quantum of sentence sent the comments/proposal to the District Magistrate, Rewari recommending him to file an appeal in the Hon'ble Punjab & Haryana High Court at Chandigarh against the impugned judgment and order on quantum of sentence, in terms of memo no.2147/DAR/17 Dated, the 16.10.2017.

3. That the District Magistrate, Rewari after considering the opinion of the District Attorney, Rewari/Public Prosecutor, in terms of his office memo no.3199-01/Peshi dated 25.10.2017 sent a draft proposal to the Advocate General, Haryana, Chandigarh alongwith required documents i.e. impugned judgment and order on quantum of sentence, statement of witnesses, for filing appeal in this case.

4. That thereafter legal opinion was sought and consequent thereto the file was put up before the Addl. Legal Remembrancer, Haryana for necessary action. Thereafter, it was opined that the matter was a fit case for filing appeal before this Hon'ble Court.

5. That the accompanied appeal could not be filed within time of limitation due to performing of long official proceedings and formalities as explained above and there is no intentional fault for causing delay in filing the appeal.

6. That the applicant is conversant with the facts of the case being the Deputy Superintendent of Police, Rewari and hence is competent to file this application, phrase it in arguments by learned state counsel.”

8. A perusal of the above-said averments clearly shows that no reasonable or plausible explanation has been furnished by the applicant-State for condonation of the delay of 405 days in filing the accompanying appeal. The present application, apart from being bereft of specific details or particulars that may reflect bona fides on the part of the applicant-State in pursuing its case, rather indicates a deliberate attempt to unnecessarily entangle the respondents-accused in prolonged litigation. The applicant-State has failed to provide any concrete explanation or documentary proof to

demonstrate its 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 such a significant delay. The delay is both inordinate and inexplicable. Merely attributing it to procedural or unforeseen circumstances, without supporting details or evidence, falls short of the legal threshold for condonation. The applicant-State has neither exhibited continuous diligence in the matter nor presented any exceptional or unavoidable circumstances that could reasonably explain such an extensive delay.

8.1 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 405 days in filing the accompanying appeal merits dismissal.

Decision

9. The application (CRM-21793-2019) seeking condonation of delay of 405 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.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 11, 2025
Naveen

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