

(2018) 01 DEL CK 0377

In the Delhi High Court

Case No : Criminal Leave Petition No. 332 Of 2014, Criminal Miscellaneous
Application No. 7789 Of 14

State

APPELLANT

Vs

Suresh Kumar

RESPONDENT

Date of Decision : 16-01-2018

Acts Referred:

Railway Property (Unlawful Possession) Act, 1966 — Section 3
Code Of Criminal Procedure, 1973 — Section 378(4), 378(5)

Citation : (2018) 01 DEL CK 0377

Hon'ble Judges : S.P.Garg, J

Bench : Single Bench

Advocate : J.K.Singh, Jivesh Kr.Tiwari

Final Decision : Dismissed

Judgement

S.P.Garg, J

1. The present petition has been filed by the State to seek leave to file appeal against the judgment dated 16.08.2013 whereby the respondent was acquitted of the charge under Section 3 RP (UP) Act in complaint case No.05/13. The petition is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file. The respondent was acquitted of the charge on 16.08.2013. Under Section 378 (4) & (5) Cr.P.C., the appeal against acquittal is to be preferred within six months from the date of acquittal. The present leave petition was preferred only on 16.05.2014 after the expiry of six months.

3. Crl.M.A.No.7789/14 (for condonation of delay in filing the leave petition) was filed. This Court, however, finds no plausible reasons for condonation of delay in filing the leave petition after the expiry of six months particularly when it is informed that the value of Railway property does not exceed `1,000/-. The inordinate delay in filing the leave petition has not been explained. The

application seeking condonation of delay records that certified copy of the impugned order was received by the department on 16.08.2013. The competent authority took about six months to take decision to file the appeal on 04.02.2014. It has not been divulged as to why so long time was taken by the competent authority to make its mind to challenge the acquittal order in a small issue.

4. In view of the above, I find no sufficient ground for condonation of delay in filing the leave petition.

5. The application for condonation of delay and leave petition are dismissed.

6. All pending application(s) also stand disposed of.