

IN THE COURT OF SHRI PUNEET PAHWA,
ADDITIONAL SESSIONS JUDGE (SPECIAL JUDGE NDPS),
NORTH EAST DISTRICT, KARKARDOOMA COURTS,
DELHI

IA No. 1/2026
CRIMINAL APPEAL NO. 53/2026

SUSHIL KUMAR
S/o Sh. Brahm Singh
R/o D-585, Gali No. 2,
Ashok Nagar, Shahdara,
Delhi-110032

..... Appellant

Versus

SANDEEP KUMAR
S/o Sh. Raj Bir Singh
R/o H. No. A-122, Street No. 2,
Pradhan Wali Gali, Dagar Pur Mohalla,
Johripur, Delhi-110094

.....Respondent

ORDER ON THE APPLICATION U/S. 5 OF LIMITATION
ACT

1. This order of mine shall dispose of an application under Section 5 of Limitations Act filed by the appellant, vide which, the appellant has sought to condone the delay of 10 days in filing the present appeal.
2. I have heard the Ld. Counsel for the appellant and Ld. Counsel for the respondent and perused the record of the Ld. Trial Court.
3. Sh. Rajat Mehrotra, Ld. Counsel for the appellant

has submitted that the impugned judgment was passed on 23.01.2026. After pronouncement of the impugned judgment, the appellant could not immediately take effective steps for filing the appeal, as the appellant was suffering from medical problems/illness, due to which, he was unable to immediately approach his counsel. Thereafter, the appellant had approached his counsel on 28.02.2026 and on the same day, Ld. Counsel immediately applied for obtaining the certified copy of the impugned judgment, which was received on 09.03.2026.

4. Ld. Counsel has further submitted that on 13.03.2026, the present appeal was filed on e-filing portal, however, after scrutiny, certain objections were raised by the filing counter and after removing the said objections, finally the present appeal was filed on 19.03.2026 i.e. with a delay of 10 days. Ld. Counsel has also submitted that the said delay in filing of the present appeal was not intentional or deliberate, in fact, it was caused, due to the aforementioned reasons and prayed that the present application may be allowed, in the interest of justice.
5. On the other hand, Sh. Javed Khan, Ld. Counsel for the respondent has submitted that no justification /explanation has been given in the application for not filing the present appeal within the prescribed period of limitation.

6. I have given thoughtful consideration to the submissions made by Ld. Counsel for the appellant and Ld. Counsel for the respondent.
7. Perusal of the record reveals that the appellant has filed the present appeal on 19.03.2026 against the impugned judgment dated 23.01.2026. The limitation period of 30 days in filing the present appeal expired on 22.02.2026. Therefore, there is delay of 25 days in filing of the present appeal.
8. In **Shreenath & Anr. Vs. Rajesh & Ors., AIR 1998 SC 1827**, it was held:

“In interpreting any procedural law, where more than one interpretation is possible, the one which curtails the procedure without eluding the justice is to be adopted. The procedural law is always subservient to and is in aid to justice. Any interpretation which eludes or frustrates the recipient of justice is not to be followed”.
9. It is now well settled that the rules of procedure are intended to be a handmaid to the administration of justice and they must, therefore, be construed liberally and in such manner as to render the enforcement of substantive rights effective; so far as possible, no proceedings in a court of law should be allowed to be defeated on mere technicalities. Meaning thereby, a “hyper-technical view” should be avoided by the court.
10. Admittedly, law of limitation is a procedural law

and a procedural law is always in aid of justice, not in contradiction or to defeat the very object which is sought to be achieved. A procedural law is always subservient to the substantive law. Nothing can be given by a procedural law what is not sought to be given by a substantive law and nothing can be taken away by the procedural law what is given by the substantive law.

11. Admittedly, there is no considerable delay in filing of the present appeal and during that period the appellant had also applied for obtaining certified copies of the record. So, taking into consideration the submissions made by the Ld. Counsel for the appellant, this court is inclined to hold that sufficient cause has been shown by the appellant for condonation of delay, so, the application U/sec. 5 of the Limitation Act for seeking condonation of delay in filing of the present appeal is allowed and the delay in filing of the present appeal is condoned of.

12. Accordingly, the application u/s. 5 of the Limitation Act stands disposed of, as, allowed.

**Announced in the open court
on 13th day of July 2026**

**(PUNEET PAHWA)
Special Judge (NDPS) Addl. Sessions Judge/
North East District/Karkardooma Courts/Delhi**