

Received on : 12/05/2025

Registered on : 12/05/2025

Decided on : 12/08/2026

Duration : YY MM DD
01 03 00

Exh. :- _____

**IN THE COURT OF THE 5TH ADDITIONAL SESSIONS JUDGE
JUNAGADH**

Criminal Misc. Application No. 277 of 2025

Applicant :-

State of Gujarat
Through the Additional Public
Prosecutor,
Junagadh.

V E R S U S

Opponent :-

1. Jayeshbhai Mansukhbhai Parmar
 2. Mahendrabhai Jayeshbhai Parmar
 3. Shaileshbhai Rameshbhai Gohel
 4. Gitaben W/o. Jayeshbhai Parmar
- All Residing at: Junagadh.

Appearance :-

Ld. APP Mrs. M. P. Vaghela for applicant.
Ld. Advocate Mr. Y. M. Thakor for opponent.

-:: J U D G M E N T ::-

Facts of the original case :-

1. This is an application filed by the Applicant State of Gujarat

through the learned Additional Public Prosecutor under Section 5 of the Limitation Act, seeking condonation of a delay of 50 days in preferring a Criminal Appeal against the judgment and order dated 12/12/2024 passed by the learned trial court in connection with C.R. No. I-325/2018 registered with Junagadh 'B' Division Police Station. The original prosecution was instituted for offenses punishable under Sections 323, 324, 325, 326, 504, and 34 of the Indian Penal Code, along with Section 135 of the Gujarat Police Act. The learned trial court rendered its judgment on 12/12/2024, convicting the respondents; however, aggrieved by the quantum of sentence awarded, the State decided to prefer an appeal for enhancement of the sentence.

Facts of the present application:-

2. The facts leading to the delay reveal that after obtaining certified copies of the impugned judgment, the Assistant Public Prosecutor prepared a written opinion on 13/03/2025 and forwarded the proposal to the District Magistrate, Junagadh, for necessary sanction. The District Magistrate granted formal sanction to file the appeal on 01/05/2025 and subsequently assigned the case papers to the learned Assistant Government Pleader/APP on 07/05/2025. Following a detailed examination of the record and evidence, the appeal along with the present delay condonation application was presented before this Court on 12/05/2025. The learned APP submitted that the resulting delay of 50 days occurred purely due to official administrative procedures, inter-departmental communications, and processing time at various approval levels, rather than any intentional default or gross negligence.

Reply of other side and arguments :-

3. On service of summons, opponents appeared through their Ld. Advocate, but have not filed any written statement.

REASONS:-

4. So far as condonation of delay is concerned, it is a well-settled principle of law that the Expression 'sufficient cause' must receive a liberal construction to advance substantial justice, particularly when no gross negligence or deliberate inaction is imputable to the party seeking condonation. We are mindful that the appellant is the State, and its administrative machinery inherently involves a multi-layered procedural hierarchy requiring legal opinions from the Public Prosecutor and administrative sanctions from the Law Department. While the State cannot claim any special privilege or exemption from the law of limitation, a realistic pragmatic latitude must be extended to bureaucratic decision-making processes, provided the delay is not inordinate or deliberate.
5. Therefore, considering the settled principles laid down by the Hon'ble Supreme Court and in order to advance substantial justice by deciding the appeal on its intrinsic merits, the delay caused in instituting the appeal deserves to be condoned. Granting condonation will not prejudice the rights of the opponents, as they will receive a full opportunity to defend their case on merits. In the present matter, the original trial concluded on 12/12/2024, and the delay of 50 days occurred primarily due to the requisite administrative procedures, official opinions, and sanctioning process through the office of the District Magistrate, Junagadh. While the applicant State has shown sufficient cause for the delay, considering that the appeal has been presented after the prescribed period of limitation, it is appropriate to impose nominal costs upon the applicant while allowing the application. Therefore, taking into account all the facts and circumstances of the case, I pass the following order:

ORDER

1. The Criminal Miscellaneous Application for condonation of delay is hereby **allowed**.
2. The delay of **50 days** caused in preferring the Criminal Appeal against the judgment and order dated 12/12/2024 is hereby condoned in the interest of justice.
3. The Applicant State shall deposit a cost of **Rs.500/- (Rupees Five Hundred only)** with the District Legal Services Authority (DLSA), Junagadh Cost Fund, within a period of 7 days from today.
4. Main Criminal Appeal shall be formally registered and placed for further proceedings as per law after compliance of the cost order.

Pronounced in the open Court today
on this **12th day of August, 2026.**

Date : 12.08.2026
Junagadh.

(H. G. Damodra)
5th Additional Sessions Judge
Junagadh
[GJ01005]