

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
KHEDA AT NADIAD.

Order Below Ex.1 in Cr. M.A. No. 65/2026

Appearance:-

For Applicant : Ld. Advocate Mr. D.S.Brahmbhatt.

For Opponent : Ld. Advocate Mr. D.S.Shah.

1. The defacto complainant has filed the present application for condoning delay of 196 days in filing the Criminal Appeal against the impugned order dtd. 09-05-2025 passed in C.C. No. 651/2022 by the Ld. Judi.Magi.F.C, Nadiad, vide which accused has been acquitted from the notice of accusation.
2. It has been contended on behalf of applicant that the period lapsed in filing the instant appeal was because of ignorance and applicant has suffered a huge financial loss. In the end, he has prayed that, in the interest of justice the limitation period exceeded beyond the prescribed period be condoned and the instant appeal be registered.
3. Upon notice opponent has appeared through his advocate and opposed the application vehemently.
4. Heard both the parties and perused the papers.
5. It is added here that Hon'ble Apex Court in the case of "*Collector, Land Acquisition, Anantnag and others V/s. MST. Katigi and others AIR 1987 SC 1353*" has observed that the expression sufficient cause employed by the Legislature is elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice. Furthermore, in the case of "*S. Ganeshraju (Dead) through LRs. and another V/s. Narasamma (dead) through LRs. and others (2013) 11 SCC 341*", the Hon'ble Apex Court has observed that expression sufficient cause as appearing in Section 5 of the Limitation Act 1963, has to

be given a liberal construction so as to advance substantial justice and unless the opposite party is able to show the malafide in not approaching the court within the period of limitation, generally as a normal rule, delay should be condone.

6. Considering the totality of the facts, in view of the ratio of the aforesaid case law, following order is passed:-

ORDER

1. The aforesaid Criminal Miscellaneous Application No.65/2026 is hereby allowed subject to the condition that applicant shall deposit Rs.2000/- with the D.L.S.A., Nadiad.
2. After deposit of the above said amount, the Registry of District Court Kheda at Nadiad, is hereby ordered and directed to register the Criminal Appeal, as per law.
3. Copy of order be sent to the District Legal Service Authority, Kheda at Nadiad for information and necessary action.

Pronounced and signed in the open Court today on 9th day of April, 2026.

Date : 09-04-2026.

Nadiad.

(Parveen Kumar)
Principal Sessions Judge
Kheda at Nadiad.
UI Code No.GJ01511