

Vikas Garg Vs. Ashok Kumar (1)

CNR No.PBMN010006462026

CRM/75/2026

Present : Shri Makhan Jindal, Advocate, counsel for applicant/
appellant/ complainant.
Shri Satish Kumar Singla, Advocate, counsel for
respondent/accused.

Learned counsel for respondent-accused intended not to file reply to the application under section 5 of the Limitation Act. Heard. This order will dispose of an application filed by the applicant-appellant under section 5 of Limitation Act for condonation of delay in filing the present appeal. It is alleged that impugned judgment of acquittal was pronounced on 17.04.2025 and as per prescribed period of limitation, the appeal was to be filed on or before 17.06.2025 i.e. within 60 days. It is further alleged that the appellant being a layman could not file the appeal within time as he remained under the impression that appeal was to be filed within period of 90 days and even also under the impression that summer holidays/vacations are going on in the Courts i.e. w.e.f. 01.6.2025 to 30.6.2025. Due to said bonafide impression and his limited knowledge, appellant neither able to contact or engage counsel before the court nor able to file appeal within statutory period, rather the delay has been occurred due to bonafide mistake i.e. considering 90 days for filing the appeal instead of 60 days. As such, the appeal is filed with an application for condonation of delay under Section 5 of the Limitation Act before the Hon'ble Punjab & Haryana High Court Chandigarh on 04.07.2025. Then vide order dated 08.01.2026 passed by the Hon'ble High Court in CRM-

Vikas Garg Vs. Ashok Kumar (2)

A-1232-2025 (O&M) ordered that the application for condonation of delay shall be decided by the appellate court, after providing opportunity of hearing to the opposite party. Hence, it is prayed that this application may kindly be allowed and the delay of 21 days in filing the present appeal may kindly be condoned.

2. On the other hand, learned counsel for the respondent contended that this application is not maintainable. The appeal was filed late intentionally and lame excuses have been put forth by the appellant in the application under Section 5 of the Limitation Act. Hence, prayed for dismissal of this application.

3. From perusal of the judicial file, this Court finds that by filing this appeal, the appellant has challenged the impugned judgment of acquittal dated 17.04.2025. This application for condonation of delay alongwith appeal has been filed before the Hon'ble High Court on 04.07.2025, on the plea that the appellant being layman does not know about the technicalities of law as well as statutory period for filing of appeal within 60 days against judgment of acquittal. Plea appears to be genuine. Moreover, it is a settled proposition of law that appeal should be decided on merits instead of dismissing the same on technicalities of law. In N. Balakrishnan Vs. M. Krishna Murti 1998 (7) SCC, 123, the Hon'ble Apex Court has held that legis Ward lature has conferred the power to condone the delay by enacting the Section 5 of the Indian Limitation Act,

Vikas Garg Vs. Ashok Kumar (3)

1963, in order to enable the courts to do substantial justice to the parties by disposing of the matters on merits. The expression sufficient cause employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which sub serves the ends of justice that is life purpose for the existence of the institution of the Courts. The law laid down in this citation is fully applicable to the facts of the present case. If the appeal is decided on merits, respondent is not going to suffer any irreparable loss and injury and for the delay the other party can be well compensated with costs. Hence, in the interest of justice, application under section 5 of Limitation Act for condonation of delay in filing the present appeal is hereby allowed, subject to costs of 1000/-. Now, this Criminal Misc. application be registered as Criminal Appeal. Ahlmad is directed to do the needful.

4. Heard. As arguable points involved in the present appeal and accordingly, same is admitted for regular hearing. Now, to come upon 01.12.2026 for arguments on the main appeal. File of learned trial court be also requisitioned for arguments.

Pronounced in open Court.

11.08.2026

Parveen Kumar SG-I

(Manjinder Singh)
Session Judge, Mansa.
(UID No.PB0064)

