



UPME010010712026

IN THE COURT OF SESSIONS JUDGE, MEERUT.**Present: Arvind Kumar Mishra-II, H.J.S., (U.P.-6030)****Criminal Miscellaneous Case No.-123 of 2026**

Smt. Alisha

Vs.

State of U.P. & Ors.

16.07.2026

1. Called out.
2. Present learned counsel for both the parties.
3. Learned counsel for the applicant has filed application 8Kha along with affidavit 9Kha, under Section 5 of the Limitation Act for condonation of the delay in filing criminal appeal against judgment and order dated 10.12.2025 passed in Complaint Case No.126 of 2024, Alisha vs. Kadir and others, under Section 12 of D.V. Act, Police Station-Mawana, District-Meerut.
4. In the said application whereby it has been stated that applicant/appellant received certified copy of the impugned judgment and order on 22.12.2025 but she forgot to provide it to her counsel. Subsequently, the applicant got ill and suffered from high fever and was taking treatment from a homeopathic doctor. The doctor advised her to take rest. On 17.01.2026, when she recovered, she provided a certified copy of the impugned judgment and order to her counsel. The applicant was unaware of filing appeal within prescribed time limit. The delay in filing the appeal is due to lack of information. Lastly prayed to condone the delay for filing the appeal by granting benefit of Section 5 of the Limitation Act and consider the appeal within time.
5. The learned District Government Counsel (Criminal) for the State orally opposed this application.
6. Learned counsel for the opposite parties no. 3-10 filed objection 11Kha to the effect that applicant's application 8Kha has been filed without any valid reason or basis. Hence, it deserves to be rejected.
7. **Heard and perused the file.**
8. A perusal of the file it reveals that, by the impugned judgment and order dated 10.12.2025, the learned trial court partly allowed the application of the applicant moved under Section 12 of D.V. Act and passed ex-parte order. Applicant received certified copy of impugned order on 22.12.2025 and filed a criminal appeal against the said impugned judgment and order on 20.01.2026. According to the Munsarim's report,

the appeal has been filed with a delay of 10 days and the grounds mentioned in appeal are found sufficient and it seems that the applicant/appellant has not deliberately delay in filing the present appeal. Applicant has also filed affidavit along with this application. Hence, it would be proper to condone the delay in filing this criminal appeal.

9. The Hon'ble Supreme Court of India in case law **Abdul Gafoor and others vs. State of Bihar reported in 2012 AIR 640**, has held that if the cause of delay is found sufficient and justifiable, then delay should be condoned.

10. Therefore, in view of the above dictum of the Hon'ble Supreme Court and the facts and circumstances of the case, in the interest of justice, it would be appropriate to condone the delay in filing this criminal appeal. Therefore, application 8Kha deserves to be allowed.

ORDER

Application 8Kha moved by learned counsel of the applicant under Section 5 of the Limitation Act is allowed and the delay occurred in filing the Criminal Appeal is hereby condoned.

Put up for hearing on admission on 23.07.2026.

Dated- 16.07.2026

**(Arvind Kumar Mishra-II)
Sessions Judge,
Meerut.**

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