

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY) NO.
14855 of 2026
In F/CRIMINAL APPEAL/27038/2026

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SHAILESHBHAI S/O DHANJIBHAI JIVABHAI MAKVANA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. MEET D. DESAI(20043) for the Applicant(s) No. 1
MS VRUNDA SHAH, APP for the Respondent(s) No. 1
UNSERVED EXPIRED (N) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 28/07/2026

ORDER

This application is filed under Section 5 of the Limitation Act for condonation of delay of 67 days caused in filing the Criminal Appeal.

Notice is served to legal heirs of the deceased respondent no.2. She remained absent.

Learned advocate for the applicant is permitted to join legal heirs of the deceased respondent no.2. He is directed to do the needful for the same.

Having heard the learned advocates for the respective parties and considering the submissions made by the learned advocates for the respective parties, it appears that the applicant has mentioned sufficient cause for condonation of delay. The primary function of the Court is to adjudicate the dispute between the parties and to advance substantial justice. Rules of limitation are not meant to

destroy the rights of parties. The Court is aware of the fact that denial to condone the delay would mean to dismiss the Criminal Appeal at threshold and there is no presumption that the delay caused by the applicant is deliberate. In view thereof, the words 'sufficient cause' under Section 5 of the Limitation Act should receive a liberal consideration so as to advance substantial justice. Even reason stated appears to be bonafide and genuine. There is no smack of malafide or dilatory tactics on the part of the applicant. Further, it is apposite to refer to the decision of the Hon'ble Apex Court in the case of **N. Balakrishnan vs. N. Krishnamurthy** reported in **(1998) 7 SCC 123**.

In view of the above, the delay of 67 days in preferring the aforesaid Criminal Appeal as explained in memo of the present application is condoned. The present application is accordingly allowed and disposed of.

(HASMUKH D. SUTHAR, J.)

ILA