

State of H.P. Vs Gurdev Singh & Ors.
Cr.MMO No. 522 of 2025.

12.08.2025

Present: Mr. H.S. Rawat and Mr. Mohinder Zharaick,
Additional Advocates General, for the
applicant/State.

Mr. Anirudh Sharma, Advocate for respondents
No. 1 to 3.

Cr.MP No. 2402 of 2025

This application has been filed for condonation of delay in re-filing the accompanying application. As per the applicant, he has filed the accompanying petition on 21.03.2024, however, due to the objections raised by the Registry, the file was received back on 17.05.2024. Thereafter, letter was written to the Secretary (Home) to the Government of Himachal Pradesh, to remove the objections on 20.05.2024. Thereafter, the District Attorney, Mandi, District Mandi, H.P. has returned the same after removing objections on 01.08.2024.

Since, petition was not re-filed within the prescribed period of limitation, as such, it has been pleaded that there was delay of 24 days in re-filing the accompanying petition.

As per further stand of applicant, thereafter, the Registry again raised another objection on 08.08.2024, and the same was received on 17.09.2024. Subsequently, letter was again written to the Secretary (Home) to the Government of Himachal Pradesh on

23.09.2024 and the file was received on 30.04.2025. As such, there was delay in re-filing of the Cr.MMO.

As per the report of the Registry, there is delay of 383 days in re-filing the petition.

The said delay is stated to be neither intentional nor deliberate, but, accrued due to the reasons mentioned above.

When put to notice, the application has been contested by raising preliminary objections that the application does not contain the plausible reasons explaining the delay in re-filing the petition. In this regard, the decision of Hon'ble Apex Court in "Postmaster General's case, reported in (2012) 3 SCC 563", has also been relied upon. Relying upon the above decision, prayer has been made to dismiss the application.

Heard.

Initially, the petition was filed within limitation and during the scrutiny of the petition, certain objections have been raised by the Registry, then the same was returned back. It has fairly been conceded in the application that after removing the objections, the same was filed on 01.08.2024, but there was 24 days delay in filing the Cr.MMO. As such, the objections were made.

Reply is totally silent about the fact as to what object the State is going to achieve, by not re-filing the

petition within the prescribed period of limitation, had it not been prevented to do so by the reason as mentioned above, particularly the fact that after raising objections by the Registry, the matter was taken up with the Secretary (Home) and also with the District Attorney Mandi, this Court is of the view that non-applicant cannot derive any benefit from the decision of the Hon'ble Apex Court in "Postmaster General's case, reported in (2012) 3 SCC 563".

With due respect to the law, laid down by the Hon'ble Supreme Court, the petition before the Hon'ble Supreme Court was not filed within the prescribed period of limitation.

As such, the observations which have been made in the said judgment, are not applicable to the facts and circumstances of the present case.

Considering the factual position, as involved in the present case, the delay in re-filing the petition is ordered to be condoned.

Cr. MP(M) No. 1362 of 2025

The application, for the reasons stated therein, is allowed and the delay in filing the main petition is ordered to be condoned. The same is accordingly disposed of.

Cr. Revision No. 522 of 2025

Service is complete.

Admit.

Call for the record.

Cr.MP No. 2401 of 2025

Application for exemption from filing the certified copy of judgment/order dated 24.12.2024, passed by the learned trial Court, is considered and allowed. Let, needful be done, within a period of four weeks, from today.

Application is, thus, disposed of.

August 12, 2025
(*Pramod*)

(**Virender Singh**)
Judge