



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

236

CRM-A-695-2020 (O&M)  
DATE OF DECISION:13.05.2025

STATE OF PUNJAB

.....APPLICANT/APPELLANT

**Versus**

GOBIND RAI AND ANR.

.....RESPONDENT(S)

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rajiv Verma, Sr. DAG, Punjab  
for the applicant/appellant.

None for the respondent.

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**SANDEEP MOUDGIL, J**

1. This appeal has been filed, along with an application under Section 5 of the Limitation Act seeking condonation of delay of 333 days in filing the appeal, against the order dated 18.12.2018, passed by PCS, CJM, Mansa in complaint file No. 37 dated 09.03.2017 decided on 18.12.2018 vide which the CJM, Mansa wrongly acquitted the accused persons.

2. Learned State Counsel submits that the delay of 333 days in filing of the appeal is neither intentional nor deliberate but has occurred due to the administrative procedure. He submits that the judgement passed by Additional Session Judge is totally wrong and illegal. It is asserted that the trial Court has failed to appreciate the evidence of the complainant and independent eye witness. Accordingly, he prays that the present application be allowed.

3. Having heard learned counsel for the applicant/appellant at length and going through the case file, this Court is of the considered opinion that there is no illegality or infirmity in the judgment passed by the trial court.

4. Learned State counsel has given no convincing explanation for the delay of 333 days in filing the instant appeal, which has occurred due to procedure adopted by the Government authorities especially the Department of Administration of Justice.

5. The right of appeal against acquittal vested in the State Government should be used sparingly and with circumspection and it is to be made only in case of public importance or where there has been a great miscarriage of justice.

6. Law is well settled as has been held in the case of ***Babu -Vrs.- State of Uttar Pradesh reported in A.I.R. 1983 Supreme Court 308*** that in appeal against acquittal, if two views are possible, the appellate Court should not interfere with the conclusions arrived at by the trial Court unless the conclusions are not possible. If the finding reached by the trial Judge cannot be said to be unreasonable, the appellate Court should not disturb it even if it were possible to reach a different conclusion on the basis of the material on the record because the trial Judge has the advantage of seeing and hearing the witnesses and the initial presumption of innocence in favour of the accused is not weakened by his acquittal. The appellate Court, therefore, should be slow in disturbing the finding of fact of the trial Court and if two views are reasonably possible on the evidence on the record, it is not expected to interfere simply because it feels that it would have taken a different view if the case had been tried by it.

7. In case of *Bannareddy vs. State of Karnataka reported in (2018) 5 Supreme Court Cases 790*, it is held as follows:- “10....It is well settled principle of law that the High Court should not interfere in the well reasoned order of the trial court which has been arrived at after proper appreciation of the evidence. The High Court should give due regard to the findings and the conclusions reached by the trial court unless strong and compelling reasons exist in the evidence itself which can dislodge the findings itself.”

8. The view that the State Authorities if want to file any appeal against the order of the Court should approach within a reasonable time and not on their whims and fancies has been reiterated in the case of **State of Bihar & Others vs. Deo Kumar Singh & Others, SLP (Civil) Diary No.13348 of 2019, decided on 09.05.2019**, wherein it has been held that the Government Authorities cannot approach the Court as and when they please.

9. Thus, an order of acquittal should not be disturbed in appeal under section 378 of Cr.P.C. unless it is perverse or unreasonable. There must exist very strong and compelling reasons in order to interfere with the same. Findings of fact recorded by a Court can be held to be perverse, if the same have been arrived at by ignoring or excluding relevant materials on record or by taking into consideration irrelevant/inadmissible materials or if they are against the weight of evidence or if they suffer from the vice of irrationality.

10. It is to be borne in mind that the power given to the Court under [Section 5](#) of the Limitation Act to condone the delay has to be exercised in the way in which judicial power and discretion ought to be exercised upon principles which are well understood and delay in filing an appeal ought not to be excused unless there are special circumstances. While dealing with an application under Section 5 of the Limitations Act, the Courts are always

influenced by the considerations whether the extensions of the period of the limitation is likely to affect the rights which have come to vest in the opposite party with a efflux of time. When the time for filing an appeal has once passed, a very valuable right stands accrued in favour of the other party.

11. As regards the delay in filing a criminal appeal, there is an important distinction between the State and the accused. No right can be said to vest in the State to have the conviction of an innocent person upheld; but a very clear right comes to vest in the accused/private person by efflux of time and he is entitled to claim that, save in exceptional circumstances delay in filing the appeal should not be condoned.

12. Keeping in view the discussions made hereinabove and backdrop of facts and circumstances, no ground, much less sufficient and cogent, has been made out by the applicant/appellant for the purpose of condonation of delay of 333 days in filing the appeal.

13. Hence, the present appeal is hereby dismissed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**13.05.2025**  
*anuradha (a)*

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*