

2025:PHHC:061518



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

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**CRM-28713-22014 in/and  
CRM-A-1475-MA-2014 (O&M)  
DATE OF DECISION: 29.04.2025**

**TAJINDER SIGH**

**.....APPLICANT/APPELLANT  
VERSUS**

**JAGJIT SINGH**

**.....RESPONDENT**

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

Present: Mr G.S Dhindsa , Advocate  
for the applicant/appellant

**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 86 days in filing the appeal, against the judgment dated 25.03.2014, passed by Judicial Magistrate 1<sup>st</sup> Class, Patiala in complaint case bearing no. 355 dated 25.03.2014.
2. Having heard learned counsel for the applicant/appellant at 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.
3. Learned counsel has given no convincing explanation for the delay of 86 days in filing of the instant appeal, and confines his argument to the fact that the file got mixed up with other brief in his office.

4. 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.

5. 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.

6. 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 86 days in filing the appeal.

7. Application stands dismissed.

8. In view of the fact that the application seeking condonation of delay of 86 days in filing the present appeal is dismissed, hence, there is no

ground to entertain the application i.e. CRM-A-1475-MA-2014 for the grant of special leave to appeal. Accordingly, the same is also dismissed.

29.04.2025

*Sham*

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

*Whether speaking/reasoned : Yes/No*

*Whether Reportable : Yes/No*