2026:DHC:2829

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment reserved on: 13.03.2026*
Judgment pronounced on: 04.04.2026
Judgment uploaded on: 04.04.2026

\+ **CRL.M.C. 1913/2024**

AJIT KUMAR GOLA .....Petitioner

Through: Petitioner in person.

versus

STATE (GNCTD) AND ANR. .....Respondents

Through: Ms. Rupali Bandhopadhya, ASC for the State with Mr. Abhijeet Kumar and Ms. Amisha Gupta Advs. along with SI Priyanka.

Mr Sunil Dalal, Sr. Adv. alongwith Mr. Ankit Rana, Mr. Tushar Rohmetra, Mr. Rajiv Singh, Ms. Shipra Bali, Mr. Bharat Khurana, Mr. Sarthak Malhotra and Mr. Anubhav Sharma, Advs. for R-2 to R-7.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

CRL.M.A. 17529/2024 (condonation of delay)

1. The above-captioned petition under Section 482 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] has been filed by the

petitioner seeking setting aside of the order dated 19.01.2023 passed by the learned Additional Sessions Judge, North, Rohini Courts, Delhi [hereafter '*Sessions Court*'] in Cr. Rev. No.137/2019 titled *'Retd. SI Rampal Singh & Ors. vs. State & Ors.'*. By way of the said order, the learned Sessions Court had discharged the accused no. 1 in the case, and quashed the summoning order dated 23.04.2019 passed *qua* him.

2. However, the present application has been filed seeking condonation of delay of 412 days in filing the present petition.

3. On the issue of condonation of delay, the petitioner, who appeared and argued in person before this Court, contended that the delay in filing the present petition is neither intentional nor deliberate. It was argued that though the impugned order is dated 19.01.2023, the delay in the present case is in fact not 412 days, as stated in the application, but approximately 316 days. He further submitted that the impugned order had been passed in a revision petition and, as per his understanding, there is no prescribed period of limitation for filing a petition under Section 482 of the Cr.P.C. against an order passed by the learned Sessions Court. It was thus contended that technically there is no delay in filing the present petition and that the application seeking condonation of delay has been filed only by way of abundant caution so as to avoid any technical objection regarding limitation. It was further submitted that even if the limitation applicable to a revision petition is taken to be

60 days, the delay would be about 346 days, and if it is taken to be 90 days, the delay would be about 316 days. The petitioner further submitted that, being a practising advocate, he initially faced difficulty in properly understanding the impugned order and therefore had to undertake detailed legal research in order to comprehend the implications of the order passed by the learned Sessions Court before approaching this Court. It was contended that the time taken in understanding the impugned order and researching the relevant legal position resulted in the delay in filing the present petition. It was also argued that it is a settled principle of law that matters should ordinarily be decided on merits rather than on technical grounds such as limitation, particularly when the petition raises substantial issues regarding the legality and correctness of the impugned order. It is therefore prayed that the delay, if any, be condoned in the interest of justice and the petition be heard on merits.

4. The learned ASC for the State and the learned senior counsel appearing for respondent nos. 2 to 7 have vehemently opposed the prayer made in the present application. It is argued that no plausible reason has been shown by the petitioner for such inordinate delay of more than one year in filing the present petition. It is submitted that the impugned order dated 19.01.2023 was passed in the presence and knowledge of the petitioner, and the subsequent conduct of the petitioner clearly demonstrates lack of diligence in pursuing the remedy available in law. It is contended that such conduct reflects negligence and want of due diligence. It is further argued that the

petitioner's contention that, despite being an advocate, he could not understand the impugned order and had to spend time conducting research is devoid of merit. The learned counsels therefore submit that the petitioner is not entitled to any indulgence from this Court and that the present application seeking condonation of delay, as well as the accompanying petition, deserve to be dismissed as being barred by limitation and suffering from delay and laches.

5. This Court has **heard** arguments addressed on behalf of both the petitioner as well as the State and the respondents, and has perused the material available on record.

6. The issue which arises for consideration is whether the delay in filing the present petition deserves to be condoned so as to permit the petitioner to assail the impugned order dated 19.01.2023 on merits.

7. This Court notes that the impugned order was passed on 19.01.2023 and the same was admittedly within the knowledge of the petitioner. The explanation offered by the petitioner for the delay in assailing the said order by way of this petition, as already noticed hereinabove while recording his submissions, is two-fold.

8. *Firstly*, the petitioner has contended that he was under a bona fide belief that there is no prescribed period of limitation for filing a petition under Section 482 of Cr.P.C. against an order passed by the Sessions Court and, therefore, according to him, there was in fact no delay in filing the present petition. According to him, the application for condonation of delay has been filed merely to avoid any technical

objection. Secondly, the petitioner has sought to explain the delay by stating that he is a practising advocate and that he could not properly understand the impugned order and therefore had to undertake legal research in order to comprehend the implications of the said order before filing the present petition. According to him, the time consumed in understanding the order and conducting legal research resulted in the delay in approaching this Court.

9. Before appreciating the rival contentions, it would be apposite to take note of the following observations of the Hon'ble Supreme Court in ***Mool Chandra v. Union of India & Ors.:*** *2024 INSC 577*:

> "20. ……It is not the length of delay that would be required to be considered while examining the plea for condonation of delay, it is the cause for delay which has been propounded will have to be examined. If the cause for delay would fall within the four corners of "sufficient cause", irrespective of the length of delay same deserves to be condoned. However, if the cause shown is insufficient, irrespective of the period of delay, same would not be condoned."

10. Furthermore, the Hon'ble Supreme Court in the ***State of Odisha & Ors. v. Managing Committee of Namatara Girls High School*****:** *2026 INSC 148* has observed that condonation of delay cannot be claimed as a matter of right, and it is entirely the discretion of the Court whether or not to condone delay. The Supreme Court also drew a clear distinction between an "explanation" and a "mere excuse" and refused to condone the delay of 123 days in filing the Special Leave Petition and a further delay of 96 days in re-filing the same.

11. It is a settled principle of law that while considering an application for condonation of delay, the party seeking such indulgence is required to place before the Court a cogent and satisfactory explanation covering the entire period of delay, preferably explaining the delay day-to-day or at least stage-wise. In the present case, the petitioner has failed to provide any such explanation.

12. The present application filed by the petitioner is conspicuously silent with respect to the steps taken by the petitioner during the long intervening period of more than one year after the passing of the impugned order. There is no disclosure of any specific dates, events, or circumstances explaining the cause of delay and as to why the petitioner could not approach this Court within a reasonable time.

13. What thus emerges from the record is that the explanation offered by the petitioner is not satisfactory. The explanation that the petitioner was engaged in understanding the impugned order and conducting legal research in itself cannot be a ground for condoning the delay of about one year, especially when the petitioner himself is a practising advocate.

14. Even otherwise, legal research or consultation with other lawyers, even by a practising lawyer is a routine exercise undertaken by a self represented litigant and advocates alike, in case, one is not able to understand the order passed by a trial Court which is to be challenged in a higher Court. Not being able to understand a judicial

order by a self represented litigant, who wants to challenge the order before a higher Court or by a counsel who may receive a brief on behalf of a client cannot be treated as a ground to justify an inordinate delay in availing the remedy.

15. Further, if the petitioner, who himself is a practising advocate, genuinely faced difficulty in understanding the impugned order or the legal position, nothing prevented him from seeking assistance from another legal practitioner or taking appropriate legal advice at the relevant time. The record does not indicate that the petitioner exercised due diligence or reasonable promptitude in pursuing the remedy available to him. In these circumstances, this Court is of the opinion that if such explanations were to be readily accepted, the requirement of showing "sufficient cause" for delay would lose its meaning as every litigant or lawyer will take this ground that he was unable to understand the judicial order and remained busy in understanding the order and conducting legal research for more than one year.

16. Moreover, the plea that the petitioner believed that there was no limitation period for filing a petition under Section 482 of Cr.P.C. also cannot come to his aid. While it is true that there is no specific prescribed period of limitation for filing a petition under Section 482 of Cr.P.C. challenging an order, it is well settled that such a petition must nevertheless be filed within a reasonable period of time and must not suffer from undue delay and laches and must disclose

sufficient cause for the delay caused.

17. In this regard, it would be pertinent to note that the Hon'ble Supreme Court in ***Londhe Prakash Bhagwan v. Dattatraya Eknath Mane:*** *(2013) 10 SCC 627* has held that even where no time limit is prescribed in a statute to avail a remedy before the appropriate forum, the aggrieved person is still required to approach the Court within a reasonable time. The relevant observations are as under:

> "9. Even if we assume that no limitation is prescribed in any statute to file an application before the court in that case, can an aggrieved person come before the court at his sweet will at any point of time? The answer must be in the negative. If no time-limit has been prescribed in a statute to apply before the appropriate forum, in that case, he has to come before the court within a reasonable time. This Court on a number of occasions, while dealing with the matter of similar nature held that where even no limitation has been prescribed, the petition must be filed within a reasonable time..."

18. The Coordinate Bench of this Court, in ***Rajesh Chetwal v. State:*** *2011 SCC OnLine Del 5768*, observed that where a revision petition challenging an order can ordinarily be filed within 90 days, the said period can also be treated as a reasonable time for filing a petition under Section 482 of Cr.P.C. It was observed that where such a petition is filed beyond the period of 90 days, the petitioner would be required to explain the cause of delay. It was inter alia held as under:

> "**11**. There is no dispute that Section 482 Cr. P.C. starts with a non-obstante clause and that being unfettered by any provision of law contained in Cr. P.C., the High Court is conferred with

the powers to pass orders to prevent the abuse of process of law or to secure the ends of justice. There is also no dispute about the fact that no period of limitation has been prescribed by the Limitation Act within which a petition under Section 482 Cr. P.C. ought to be filed. But the contention which the learned counsel for the petitioner has failed to address convincingly is that the principle of laches or inordinate delay is not applicable to a petition under Section 482 Cr. P.C. In this regard, I disagree with the contention of the learned counsel for the petitioner that the principle of laches or inordinate delay is not applicable to the provisions of Section 482 Cr. P.C. In this regard, it may be pertinent to refer to a few judgments of other High Courts which have dealt with similar question.

12. In Bata v. Anama Behera, 1990 Cri LJ 1110, the learned single Judge of the Orissa High Court observed as under:—

> *"Though for filing an application under section 482 there is no limitation, the application should be filed within a reasonable time, so that the progress of the case is not disturbed at a belated stage. A revision petition challenging an order can be filed within 90 days from the date of the order similarly a period of 90 days which is at par with a revision petition should be treated as reasonable time for filing an application under section 482 and if it is filed beyond the period of 90 days the applicant would have to explain the cause of the delay."*

14. …I agree with the observation made by the Orissa High Court that if a revision against an order of summoning could be filed within a period of 90 days then ordinarily a period of 90 days should have been sufficient to invoke the jurisdiction of High Court under Section 482 Cr. P.C…"

19. Again in ***Vipin Kr. Gupta v. Sarvesh Mahajan****: 2019 SCC OnLine Del 12349*, a Coordinate Bench of this Court had observed as under:

> "**11**. …I have no hesitation to hold that if the Court fails to take into consideration delay and laches, while invoking the powers of the High Court under Section 482 of the Cr. P.C., without any reasonable ground, there would be no end to the litigation,

> as a consequence whereof, neither any trial would be proceeded nor any trial would be concluded before the Trial Court. The impugned order dated 17.11.2014 is barred by the principle of delay and laches, to invoke the powers of the High Court under Section 482 of the Cr. P.C., hence, challenge to the impugned order dated 17.11.2014 cannot be entertained at this stage after such a long, inordinate delay and laches, hence is not liable to be set aside on this ground alone…"

20. In the present case, this Court is unable to accept the explanation put forth by the petitioner to pass the test of 'constituting sufficient cause' for passing of an order to condone the delay of more than a year in filing the present petition.

21. To reiterate, the contention of the petitioner that he is a practising advocate and that he required considerable time to understand the impugned order and undertake legal research cannot, by itself, justify a delay of more than one year in approaching this Court. If such a ground were to be accepted as a sufficient explanation, it would render the law of limitation and the principles of delay and laches, largely otiose, and would make it extremely difficult for any Court to reject an application for condonation of delay under the law of limitation or cases where no limitation is prescribed.

22. In view of the above discussion, this Court is of the considered opinion that the petitioner has failed to show any sufficient cause for condoning the delay in filing the present petition. The explanation offered does not satisfactorily account for the prolonged delay in

filing the petition.

23. Accordingly, the present application seeking condonation of delay is dismissed.

24. Consequently, the captioned petition filed under Section 482 of the Cr.P.C., i.e. CRL.M.C. 1913/2024, being barred by delay and laches, is also dismissed. Pending applications, if any, also stand disposed of.

25. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 04, 2026/vc
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