



2026:DHC:1383



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

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*Judgment reserved on: 23.12.2025**Judgment pronounced on: 16.02.2026**Judgment uploaded on: 17.02.2026*+ **CRL.REV.P. 911/2024**

STATE (NCT OF DELHI)

.....Petitioner

Through: Mr. Manoj Pant, APP for the
State along with SI Ajay.

versus

NAVRAJ DAHIYA

.....Respondent

Through: Mr. Rajesh Kumar and Mr.
Sanjay Jain, Advocates.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J****CRL.M.A. 20896/2024 (condonation of delay)**

1. The State has approached this Court, by way of the above-captioned revision petition filed under Sections 397/401 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'], seeking setting aside of the order dated 22.02.2023, passed by the learned Additional Sessions Judge-3, North West District, Rohini Courts, Delhi [hereafter '*Sessions Court*'], in case arising out of FIR No. 219/2017, registered for commission of offence under Sections



323/307/342/365/506/34 of the Indian Penal Code, 1860 [hereafter '*IPC*'] at Police Station North Rohini, Delhi. By way of the said order, the learned Sessions Court had discharged the respondent-accused Navraj Dahiya in the present FIR.

2. However, the present application under Section 5 of the Limitation Act, 1963 read with Section 482 of the Cr.P.C. has been filed – seeking condonation of delay of 413 days in filing the present revision petition.

3. On the issue of condonation of delay, the learned APP for the State, while referring to the averments in the application, has argued that the State could not file the present petition before this Court within the stipulated period, as the file pertaining to the present case was sent to the Chief Prosecutor (North West). Thereafter, the file was sent to the Director of Prosecution, who agreed with the Chief Prosecutor that the case was fit for appeal and forwarded the file to the Principal Secretary, Law and Justice, for seeking approval to file the petition. It is further stated that the Legal Assistant, after examining the facts and the grounds mentioned in the file, processed the same for approval of the Lieutenant Governor and forwarded the file to the Principal Secretary (LJ & LA). Thereafter, the file was forwarded to the Chief Secretary and was approved by the office of the Lieutenant Governor. Subsequently, the Assistant Legal Advisor forwarded the file to the Director of Prosecution for filing of the appeal in the present matter, who further forwarded it to the learned



Standing Counsel (Crl.). Thereafter, the case file was assigned to Mr. Laksh Khanna, learned APP for the State. It is submitted that thereafter, the accompanying petition was drafted and sent for signatures of the concerned DCP along with the supporting affidavits, and after receipt of the same, the petition was expeditiously filed without any further delay. It is also argued that the files pertaining to the present case were sent to various authorities, as mentioned above, through multiple channels, which consumed reasonable time. It is submitted that the delay in filing the present petition was not deliberate but occurred due to procedural aspects and was, thus, unavoidable. In support of the said submission, reliance is placed on the decision of *State of Nagaland v. Lipok Ao*: (2005) 3 SCC 752, wherein it was held that sufficient cause should be considered with pragmatism in a justice-oriented approach rather than a technical detection of sufficient cause for explaining every day's delay, having regard to the considerable delay caused by procedural red tape in the decision-making process of the Government. It is thus prayed that the present application seeking condonation of delay of 413 days be allowed and the present revision petition be heard on merits.

4. On the other hand, the learned counsel appearing on behalf of the respondent-accused has vehemently opposed the prayer made in the present application. He has argued that no plausible reason has been shown by the State for such inordinate delay in preferring the present petition. Therefore, the learned counsel prays that the present application as well as the captioned revision petition deserve to be



dismissed on the sole ground of delay itself.

5. This Court has **heard** arguments addressed on behalf of the petitioner-State and the respondent-accused, and has perused the material on record.

6. At the outset, it is evident that the delay sought by the State to be condoned in filing the revision petition is of 413 days, which, needless to say, is substantial and inordinate. In case of such a delay, there is clear duty on the part of the petitioner-State to furnish a clear and convincing explanation covering the entire period of delay. Mere assertions or general statements cannot suffice.

7. In the present case, the explanation offered by the State is confined to a broad narration that the file moved from one authority to another – i.e., from the Chief Prosecutor to the Director of Prosecution, thereafter to the Principal Secretary, Law and Justice, to the Chief Secretary, the office of the Hon'ble Lieutenant Governor, and thereafter back through the Director of Prosecution to the Standing Counsel. However, beyond this general description of inter-departmental movement, there is no specific explanation whatsoever provided by the State as to how and why there was substantial delay of 413 days in filing the revision petition.

8. Pertinently, the present application does not disclose any dates, any period spent with a particular authority, or any justification for the time consumed at each stage. There is not even a broad indication as to how much time was taken by which department. In effect, the



explanation offered by the State remains vague, abstract and lacks any particulars. Such an explanation, in the opinion of this Court, does not amount to explaining sufficiently the delay of 413 days, but only seeks to describe the administrative hierarchy through which the file passed.

9. The Hon'ble Supreme Court in *Pathapati Subba Reddy v. Collector (LA)*: (2024) 12 SCC 336, has reiterated that while Section 5 of the Limitation Act may be construed liberally, such liberality cannot be extended to defeat the substantive law of limitation. It has been categorically held that the power to condone delay is discretionary and may not be exercised even where sufficient cause is claimed, particularly in cases involving inordinate delay, negligence or lack of due diligence. The Supreme Court further clarified that the merits of the matter are wholly irrelevant at the stage of considering an application for condonation of delay. The following principles in respect of condonation of delay were enumerated by the Hon'ble Supreme Court:

“28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

28.1. Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

28.2. A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

28.3. The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;



28.4. In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

28.5. Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

28.6. Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7. Merits of the case are not required to be considered in condoning the delay; and

28.8. Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

10. Similarly, in *H. Guruswamy v. A. Krishnaiah*: 2025 SCC OnLine SC 54, the Hon’ble Supreme Court emphasised that the length of delay is a relevant factor and that once a party loses its right due to prolonged inaction, it cannot invoke the principle of substantial justice as a matter of course. The Court is first required to test the bona fides of the explanation offered, and only if the explanation inspires confidence can discretion be exercised. The relevant observations are set out below:

“**16.** The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of



instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the ‘Sword of Damocles’ hanging over the head of a litigant for an indefinite period of time.”

11. Most recently, the Hon’ble Supreme Court in ***State of Odisha & Ors. v. Managing Committee of Namatara Girls High School: 2026 INSC 148 (order dated 09.02.2026)***, has taken a firm view while dealing with delays attributable to governmental functioning. The Supreme Court has observed that condonation of delay cannot be claimed as a matter of right, even by the State, and that there is a point beyond which courts cannot come to the aid of a litigant-State merely because the delay is sought to be justified on the ground of bureaucratic procedures. The Court 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 by the State of Odisha. It has been held as under:



“16. *Katiji* (supra) and *Ramegowda* (supra) were consistently followed by this Court until adoption of a different and seemingly strict approach while dealing with applications for condonation of delay during the last decade and a half became discernible starting with the decision in *Postmaster General v. Living Media India Limited*¹¹, where a delay of 427 days in filing the relevant special leave petition was not condoned. *University of Delhi v. Union of India*¹² is another decision (of a three- Judge Bench of this Court) where delay of 916 days was not condoned. While upholding the decision of the relevant high court under challenge refusing to condone the delay of 5659 days in presentation of an appeal under Section 54 of the Land Acquisition Act, 1894 by the heirs of a deceased landowner, a coordinate Bench in *Pathapati Subba Reddy v. Collector(LA)*¹³ very recently reiterated that the law of limitation is founded on public policy, the object is that a legal remedy is put to an end so that no litigation remains pending for an indefinite period. It was also held, departing from the earlier view, that the merits of the case cannot be considered at the stage of considering the application for condonation of delay.

17. Indeed, one of us [Dipankar Datta] in *Sheo Raj Singh v. Union of India*¹⁴ authoring the judgment for a coordinate Bench adopted the view taken in *Katiji* (supra), *Ramegowda* (supra) and a host of other decisions following the same while not interfering with an order of condonation of delay passed by the relevant high court. However, it was observed that a distinction ought to be drawn between an ‘explanation’ and an ‘excuse’ that is proffered as cause for condonation of delay. It was also emphasized that a different approach has to be adopted while this Court is considering an application for condonation of delay in presentation of an appeal/application and when it sits in appeal over a discretionary order of the high court granting the prayer for condonation of delay. In the case of the former, whether to condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation has to be examined.

18. However, what perhaps remained unnoticed in any of the decisions post *Katiji* (supra) and *Ramegowda* (supra) adopting a liberal approach is the exasperation and consequent lament expressed by none other than Hon’ble M.N. Venkatachaliah, CJI. in course of authoring a brief order in *Commissioner of*



*Wealth Tax, Bombay v. Amateur Riders Club, Bombay*¹⁵ and admonishing officers of the “revenue” in not acting with promptitude. This order was made within six years of the decision in *Ramegowda* (supra). We can do no better than quoting the same in its entirety hereunder:

19. Reading *Ramegowda* (supra) and *Amateur Riders* (supra), one after the other, leaves none in doubt that it did not take much time for this Court to lose hope. It is absolutely clear that the law was laid down in *Ramegowda* (supra), following *Katiji* (supra), with much optimism that matters would improve. Their Lordships, however, found no visible support for such optimism and the Court’s patience having been tested to the extreme limit, held that there is a point beyond which even the courts cannot help a litigant even if the litigant labouring under the shackles of bureaucratic indifference is the Government.

20. We have found the State of Odisha to be utterly lethargic, tardy and indolent not only before the High Court but also before this Court. Notwithstanding that its appeal was dismissed as time-barred by the High Court, this Court has been approached by the State of Odisha four months after expiry of the period of limitation.

21. Condonation of delay cannot be claimed as a matter of right. It is entirely the discretion of the Court whether or not to condone delay. Despite all the latitude that is shown to a “State”, we are of the clear opinion that the cause sought to be shown here by the State of Odisha is not an explanation but a lame excuse. No case for exercise of discretion has been set up.

22. The applications for condonation of delay in filing the special leave petition and condonation of delay in re-filing the same, thus, stand rejected, with the result that the special leave petition stands dismissed as time-barred.”

12. Applying the aforesaid principles to the facts of the present case, this Court finds that the explanation tendered by the State does not meet the threshold of “sufficient cause” under Section 5 of the Limitation Act. As noted above, the application lacks material particulars, does not explain the delay day-wise or even broadly



stage-wise, and fails to demonstrate any diligence on the part of the authorities concerned. What has been placed before the Court is, at best, a general administrative narrative of how the case file passed from one person to another, and at worst, an attempt to seek condonation as a matter of routine.

13. In the absence of any specific, credible and satisfactory explanation accounting for the delay of 413 days, this Court finds no justification to exercise its discretionary jurisdiction in favour of the applicant-State.

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

15. As a consequence, the accompanying revision petition is also dismissed as barred by limitation.

16. The next date of hearing i.e. 15.05.2025 in CRL.REV.P.911/2024 stands cancelled.

17. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 16, 2026/A

T.D.