

ITEM NO.11 Court 6 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 27426/2020

(Arising out of impugned final judgment and order dated 05-12-2018 in CRLA No. 545/2017 passed by the High Court Of Himachal Pradesh At Shimla)

THE STATE OF HIMACHAL PRADESH Petitioner(s)

VERSUS

GORKHA RAM Respondent(s)

(FOR ADMISSION and I.R. and IA No.134951/2020-CONDONATION OF DELAY IN FILING and IA No.134953/2020-EXEMPTION FROM FILING O.T.)

Date : 23-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. B.K. Satija, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

IA No.134951/2020-CONDONATION OF DELAY

The SLP has been filed with a delay of 636 days. On our query as to what is the reason, learned counsel seeks to contend it is because of COVID. The order was passed on 05.12.2018 and thus, we asked the counsel as to which year was the world affected by Covid 2019 or 2020 to which learned counsel's answer initially was 2019, possibly to cover the delay but realizing that it was 2020, he states that the papers were not received by him.

To say the least, we are shocked at the conduct of the

petitioner-State and the manner of conduct the litigation in such a sensitive matter. There is not even a semblance of explanation for delay. We however, would not like to dismiss the petition on limitation because of the seriousness of the issue involved. But that is no excuse why the State should not be made accountable of such inordinate delay and the persons responsible for the same. We thus, condone the delay but subject to imposition of costs of Rs. 25,000/- to be deposited with the Supreme Court Group 'C' (Non-Clerical) Employees Welfare Association within four weeks with a direction to hold the enquiry, fix responsibility and recover the amount from the officers concerned. The certificate of recovery should be filed before this Court within the same period of time.

The application for condonation of delay is allowed in the aforesaid terms.

SLP(Cr1.) Diary No(s). 27426/2020

Application for exemption from filing O.T. is allowed.

Issue notice returnable in six weeks.

[ASHA SUNDRIYAL]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)