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

+ CRL.A. 1602/2025

MS A S

.....Appellant

Through: Mr. Mehmood Pracha, Mr. Jatin Bhatt, Mr. Sanawar, Ms. Nujhat, Mr. Sikander, Mr. Kshitij Singh and Mr. Chiraj Verma, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.

.....Respondents

Through: Ms. Anubha Bhardwaj, SPP with Mr. Anurag Modi, Ms. Ananya Shamsbery, Ms. Riddhi Grover, Mr. Mayank Bawa, Advs. Mr. Anurag Modi, Adv. and Mr. Arijit Sinha, IO for R-1/ CBI

Mr. Rajiv Mohan, Mr. Swapnil Krishna, Mr. Nishant Madan, Mr. Chandveer Shyoran, Mr. Sachit Sharma, Mr. Hemant Goyal and Mr. Abhishek Sharma Adv. for R-2 & 7.

Mr. Akhand Pratap Singh, Ms. Samridhi Dobhal, Ms. Krishna Mohan Chandel, Advs. Mr. Hritwik Maurya, Mr. Apporv Paliya, Mr. Utkarsh Singh and Ms. Lisa Pegwal, Advs. for R-3.

Mr. Kanhaiya Singhal, Mr. Naval Goel, Mr. Prasanna, Mr. Ajay Kumar and Ms. Vani Singhal, Advs. for R-4.

Mr. S.P.M Tripathi, Ms.



Aishwarya Senger, Mr. Rahul Poonia and Mr. Gaurav Chaudhary, Advocates for R-5. Mr. Hemant Shah, Mr. Saurabh Pal, Mr. Saurabh Rajput, Mr. Ojas Kaushik and Mr. Akshay Rana, Advs. for R-6. Mr. Pramod Kumar Dubey, Sr. Adv. with Mr. SPM Tripathi, Mr. Gaurav Mani Tripathi, Mr. Satyam Sharma, Mr. Ramachandrani B. Siddhartha, Mr. Yash saxena, Mr. Samarth Kasana, Advs. for R-8.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

20.04.2026

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CRL.M.A. 34666/2025 (delay of 1945 days in filing the appeal along with affidavit)

1. The present application is filed by the appellant under Section 5 of the Limitation Act, 1963 read with Section 482 of the Code of Criminal Procedure [Cr.P.C.] seeking condonation of delay of 1945 days in filing the captioned criminal appeal, which assails the judgment of conviction dated 04.03.2020 and the order on sentence dated 13.03.2020 passed by the learned District & Sessions Judge (West), Tis Hazari Courts, Delhi [Trial Court] in Sessions Case Nos. 446/2019 and 449/2019 arising out of CBI FIR No. 9(S) and 10(S), which were originally registered as FIR No. 89/2018 and 90/2018 at Police Station Makhi, District Unnao, Uttar Pradesh.



2. The learned Trial Court, *vide* the impugned judgment, convicted the Respondent Nos. 2 to 8 for multiple offences under the Indian Penal Code, 1860 [IPC] and the Arms Act, 1959. The appellant, who is the daughter of the deceased victim, has preferred the present appeal seeking, *inter alia*, alteration of conviction to offences punishable under Sections 302 and 364A IPC and enhancement of sentence.

3. Since the appeal has been filed after a substantial delay of 1945 days, the appellant has sought condonation of the said delay by way of the present application.

4. Mr. Pracha, learned counsel for the appellant submits that the delay, though considerable, is neither deliberate nor attributable to any *mala fide* conduct on the part of the appellant. It is contended that the appellant is the daughter of the deceased victim and has been continuously pursuing remedies in relation to a grave and sensitive criminal matter involving the death of her father under circumstances already found to be the result of a criminal conspiracy by the learned Trial Court. It is urged that the appellant, is herself a victim, having been subjected to rape by Respondent No.8, and has been engaged in multiple proceedings, representations, and complaints arising out of the same chain of events, which contributed to the delay in approaching this Court by way of the present appeal. It is further submitted that being a rape victim, she has faced immense trauma and has been shun from society. It is submitted that she is under constant threat to her life and is already in a precarious position being a rape victim, and cannot be expected to be totally vigilant while pursuing litigation and that the reasons for delay provide “sufficient”



explanation.

5. It is further submitted that the case pertains to serious offences involving allegations of custodial violence, conspiracy, intimidation and sexual assault, and therefore raises issues of substantial public importance and grave miscarriage of justice. Learned counsel contends that the learned Trial Court itself recorded findings indicative of a concerted conspiracy and brutal assault upon the deceased, yet erroneously refrained from convicting the accused under graver provisions such as Sections 302 and 364A IPC. In these circumstances, it is argued that a hyper-technical approach to limitation would defeat the cause of substantive justice.

6. Learned counsel emphasizes the right of a victim or her family to seek appropriate conviction and sentence and argues that such right ought not to be defeated merely on account of delay, particularly when the delay stands reasonably explained. It is submitted that the appellant belongs to a rural background and has faced considerable hardship, including social and legal challenges, in pursuing the matter. The delay, is thus, stated to be a consequence of *bona fide* circumstances rather than negligence.

7. He submits that the appellant has no financial resources to pursue litigation and even he is appearing pro-bono for her. On the other hand, the Respondent Nos. 2 to 8 are extremely powerful and resourceful individuals.

8. He submits that since the date of the incident, the appellant had been living in Delhi in a rented accommodation provided to her by the Delhi Commission for Women [DCW], for which also, she had to



pursue litigation.

9. He submits that the appellant had suffered grave injuries and had to undergo treatment at the All India Institute of Medical Sciences [AIIMS] for several months in 2019. She is being subjected to constant threats, harassment and Public Vilification Campaign, and is being made to suffer from pillar to post, because of which, she could not file this appeal within the period of limitation.

10. He submits that other appeals filed by the respondents in challenge to the impugned orders of the learned Trial Court are pending adjudication, before this Court, no prejudice would be caused to the respondents if this application is allowed and the appeal is considered on merits.

11. It is also contended that refusal to condone the delay would result in irreparable injustice by foreclosing the appellant's statutory right of appeal. Learned counsel accordingly prays for adopting a liberal approach consistent with settled principles governing condonation of delay, particularly in criminal matters involving serious offences.

12. The counsels for the Respondents have vehemently opposed the application.

13. Mr. Dubey, learned Senior Counsel appearing for Respondent no.8, while opposing the application, submits that the delay of 1945 days is grossly inordinate and unjustified. It is contended that when an application under section 5 of Limitation Act seeking condonation of delay is filed beyond the prescribed period, such delay must be explained by demonstrating the "sufficient cause" that resulted in such



delay. It is submitted that even though a liberal approach has been adopted by courts in dealing with delay condonation, but such liberal approach cannot be extended to condone delay of this magnitude in the absence of “sufficient cause” being demonstrated. In this regard, reliance is placed upon judgment of Supreme Court in *Shivamma (D) by LRs v. Karnataka Housing Board & Ors., VII (2025) SLT 321* and on judgement of this Court in *Ms. X Vs. The State of NCT of Delhi and Ors., CRL. REV. PET. 482/2025*.

14. Learned Senior Counsel further submits that a bare perusal of the chronology of events would show that the limitation period for filing the appeal expired on 29.05.2022, but, the present appeal came to be filed only on 09.09.2025, that is, after a huge delay of almost 3.5 years, without any explanation whatsoever. It is thus contended that the application is liable to be rejected on this ground alone.

15. It has been further submitted that the appellant continued to be a party to multiple proceedings arising out of RC no. 8(S)/2018, RC No. 9(S)/2018 and RC No. 10(S)/2018. She had duly participated in the trial and was well aware of order of conviction dated 04.03.2020 and Order on Sentence dated 13.03.2020. Not only this, she has also been represented by private counsels at various stages of the trial/appeals and other proceedings and participated either in person or through a counsel for more than 90 times, thereby showing her deliberate negligence and inaction on her part.

16. Learned Senior Counsel further submits that the grounds urged in the application, such as financial constraints, issues relating to rented accommodation, alleged physical debilitation, and assertions of



threats or harassment, are vague and unsupported by any documentary evidence. It is contended that these grounds are general excuses rather than legally acceptable explanations, and do not meet the threshold of “sufficient cause” as required under law. In support, reliance is placed on *Vinod Kumar Chetram Ganeriwala Vs. Khushal Chandra Lalitprasad Poddar, 2026 SCC Online Bom 649*.

17. Mr. Dubey further submits that the application is liable to be dismissed as defective and *non-est* in the eyes of law being violative of Rule 9(ii), Part B, Chapter XII, Volume IV of the High Court Rules, as the same has not been signed by the appellant and is also not supported by a valid Affidavit.

18. Mr. Singhal, appearing for Respondent no.4, asserts that the plea of financial constraint is wholly untenable, particularly because the appellant was already represented by counsels in multiple proceedings before this Court over the years. Moreover, no particulars have been furnished as to the period during which such constraint existed, nor has any supporting material been placed on record. Furthermore, if any such financial constraint ever existed, the appellant surprisingly never approached the Legal Services Authority for free legal aid, rather the appellant has been represented by private advocates during the proceedings. It is submitted that the appellant, being a woman, falls in the eligible category of Section 12 (c) of the Legal Services Authority Act, 1987 which entitles her to free legal service. It is submitted that access to legal aid remedies was always available, and the failure to avail the same cannot be a ground for condonation of delay. In support of his argument, reliance is placed on



judgment of this Court in *Braj Mohan Goel Vs. Union of India, 2025 SCC Online Del 1043*.

19. Learned counsel further states that out of the total compensation amount, Rs. 10 lacs have already been paid by the Respondents and another sum of Rs. 25 lacs have been paid by the State of Uttar Pradesh to the appellant and hence, the stance adopted by the appellant regarding financial constraint becomes unsustainable. It is further submitted that the merits of the case are wholly irrelevant at the stage of considering an application for condonation of delay. The application must stand or fall on the sufficiency of the explanation offered for such delay, and not on the nature of the underlying dispute.

20. It is thus contended that the present case is an example of conscious inaction, where despite full knowledge and opportunity, the appellant failed to act within limitation period and has now sought to revive a stale claim by way of a belated appeal. In these circumstances, learned counsels for the Respondents submit that the appellant has failed to establish any “sufficient cause” for condonation of such inordinate delay and pray that the present application be dismissed, being devoid of merit.

21. Mr. Hemant Shah, learned counsel appearing for Respondent No. 6, submits that the callous manner in which the application has been filed, is evident from the Opening Sheets attached with the appeals, which gives a wrong narration of provisions on which the respondents have been charged/convicted.

22. He submits that the present appeal has been filed with a *mala fide* intent and to somehow stall the consideration of application filed



by the respondent, seeking suspension of his sentence in his own appeal pending adjudication before this Court.

23. Ms. Anubha Bhardwaj, learned Special Public Prosecutor appearing for CBI submits that as far as CBI is concerned, it has accepted the order of conviction and sentence passed by the learned Trial Court and has not challenged the same. As far as the present application is concerned, she submits that the CBI has no submission than to offer and leave it to the Court.

24. In rebuttal, Mr. Pracha argues that there is no presumption that delay is occasioned deliberately or on account of *mala fide* or culpable negligence. He further states that a litigant does not stand to benefit by resorting to delay, rather he runs a serious risk. It is also stated that the Supreme Court in *Suo Moto Writ Petition (Crl.) No. 1/2019*, while dealing with application seeking fresh directions in respect of CRPF security granted to victims, *vide* order dated 25.03.2025 has directed that the security may continue to be granted to the appellant due to the threat perception she still faces, thereby highlighting the seriousness and daunting reality.

25. Learned Counsel further submits that the Court must not adopt a pedantic approach and may address the case with liberality, considering the gravity of the situation. In support of his arguments, he places reliance on judgments of Supreme Court in *State Vs. Yogesh @ Gulu & Ors., CRL. REV. PET. No. 456/2024; Sheo Raj Singh (Deceased) Thr LRs & Ors., CIVIL APPEAL No. 5867/2015; State of Nagaland Vs. Lipok AO & Ors., APPEAL (CRL.) No. 484/2005 & Collector Land Acquisition, Anantnag & Anr. Vs. Mst. Katiji & Ors.,*



1987 SCC (2) 107.

26. We have considered the arguments advanced by counsels of respective parties.

27. From perusal of the record, it emerges that the impugned judgment was passed on 04.03.2020 and the order on sentence was passed on 13.03.2020. Even after extending the benefit of extension of period of limitation as per orders of the Hon'ble Supreme Court in *Suo Motu W.P.(C) No. 3/2020*, the limitation period expired on 29.05.2022. The present appeal, however, came to be filed only on 09.09.2025, that is, almost 1199 days after expiry of limitation period, thereby resulting in an extraordinary delay.

28. It is trite that while the expression “sufficient cause” under Section 5 of the Limitation Act is to receive a liberal construction, but such liberal interpretation cannot be extended to condone inordinate and unexplained delays in a routine manner. The applicant is required to demonstrate *bona fide* and due diligence and also furnish a reasonable and acceptable explanation regarding the delay. The Supreme Court in *Shivamma* (supra) placed reliance on various judgments and emphasized on the meaning of “sufficient cause” in Section 5 of the Limitation Act, and held that even though the above expression “sufficient cause” in Section 5 is to be given a liberal interpretation, the party seeking condonation of delay has to provide cogent reasons and demonstrate the existence of “sufficient cause” that resulted in such delay in filing the appeal beyond the prescribed period.



29. It is true that as held in *Katiji (supra)*, every day's delay need not be explained with such precision but the fact remains that a reasonable and acceptable explanation is very much necessary.

30. The Supreme Court in *H. Guruswamy Vs. A. Krishnaiah, 2025 SCC OnLine SC 54* emphasized 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 fide* of the explanation offered, and only if the explanation inspires confidence can discretion be exercised.

31. The Hon'ble Supreme Court in *Pathapati Subba Reddy (died) by L.Rs. Vs. The Special Deputy Collector (LA), 2024 SCC Online SC 513*, has reiterated that while Section 5 of the Limitation Act may be construed liberally, however, it cannot be extended to defeat the substantive law of limitation. Howsoever liberal approach is adopted in condoning the delay, the existence of "sufficient cause" for not filing the appeal in time is a condition precedent for exercising the power to condone delay. It was further 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.

32. Assessing the actions of the appellant, and without going in the merits of the case, we find that the appellant was not only aware of the impugned judgment and order on sentence, but was rather actively participating in connected proceedings arising out of the same incident. The record reflects that the appellant had entered appearance



multiple times before the learned Trial Court, was in possession of certified copies of the impugned orders, and had thereafter actively participated in Criminal Appeal No. 451/2020 preferred by Respondent No. 8, including being impleaded therein and appearing on numerous dates. The appellant's participation on several occasions, including personal appearances before this Court, clearly demonstrate that she was fully cognizant of her legal rights. Yet, despite such active participation and availability of legal advice from her advocate, the appellant consciously chose not to avail the statutory remedy of appeal within the prescribed period of limitation.

33. The grounds urged in the application, namely financial constraints, issues relating to accommodation, alleged physical debilitation, and assertions of threats or harassment, do not inspire confidence at the stage of considering the application for condonation of delay. These grounds are vague in nature, unsupported by any documentary material, and do not disclose the period during which such circumstances prevailed. Mere assertions, without substantiation, cannot constitute "sufficient cause".

34. Furthermore, the plea of financial constraint is particularly untenable in light of the admitted position that the appellant was represented by private counsels in multiple proceedings before this Court as well as the Trial Court and the Apex Court, and has already received a total of Rs. 35 lacs as compensation. No material has been placed to demonstrate any genuine inability to approach the Court within limitation, nor is there any explanation as to why legal aid mechanisms were not availed. Even though Mr. Pracha may have been



appearing for her pro-bono, why he was not approached for filing of this appeal in time and why he could not file the same, has not been explained by the appellant.

35. The law of limitation is founded on principles of certainty and public policy. The appellant has not made out any reasonable explanation so as to constitute a “sufficient cause” for condoning the delay. This Court is also required to bear in mind the consequences that would ensue if such an inordinate delay were to be condoned at this belated stage. Entertaining a belated appeal seeking enhancement of conviction and sentence after an unexplained delay of several years would seriously prejudice the rights of the accused, who would be exposed to the uncertainty of prolonged litigation and the possibility of aggravated penal consequences long after the conclusion of trial. Such an approach would be contrary to the settled principles governing criminal jurisprudence. To condone such an extraordinary delay in the absence of “sufficient cause” would defeat these principles and open the floodgates for belated claims.

36. We find that the maxim *vigilantibus non dormientibus jura subveniunt* [the law assists those who are vigilant and not those who sleep over their rights] squarely applies to the present case. The appellant, despite having full knowledge of the impugned judgment and having actively participated in related proceedings, failed to avail the statutory remedy within the prescribed time. The delay, being inordinate and unexplained, reflects a lack of due diligence. The appellant cannot behave in a casual manner and then approach Court seeking condonation of delay as a right, without providing reasonable



grounds for the delay caused.

37. The present case, therefore, is not one of inability, but of deliberate inaction and negligence. The conduct of the appellant disentitles her from seeking equitable relief of condonation of delay. In such circumstances, this Court finds no reason to exercise its discretionary power, as doing so would defeat the very object of the law of limitation and erode the discipline it seeks to enforce.

38. We are of the opinion that the appellant has failed to establish any “sufficient cause” for condonation of delay within the meaning of Section 5 of the Limitation Act. The delay being gross, unexplained, and attributable to negligence, the application deserves to be dismissed.

39. Accordingly, the application is disposed of.

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40. Since the application for condonation of delay is dismissed, consequently, the captioned appeal is also dismissed as barred by limitation.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 20, 2026/AK/^{RM}