

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

MCRC No. 8869 of 2018

(SPECIAL POLICE ESTABLISHMENT Vs ANAND PRAKASH SINGH TIWARI AND OTHERS)

Dated : 23-09-2026

Shri Abhinav Shrivastava - Advocate for the appellant/SPE.

Shri Rohit Sharma - Advocate for the respondent no.1.

Shri Rahul Mishra - Advocate for the respondent no.2.

Heard on I.A. No.3535/2018, an application for condonation of delay filed under Section 5 of the Limitation Act.

2 . The Special Police Establishment, Lokayukta, State of M.P., preferred an appeal feeling aggrieved by the judgment of acquittal dated 20.09.2016 passed in Special Case No.15/2014 by the Special Judge, Prevention of Corruption Act, District Rewa whereby, the respondent has been acquitted of the charges for the offence punishable under Section 7 and Section 13 (1)(d) r/w Section 13(2) of the Prevention of Corruption Act. Since, the application for grant of leave was filed beyond the prescribed period of limitation of 90 days from the date of judgment of acquittal, the applicant/ appellant submitted an application for condonation of delay.

3 . Learned counsel for the applicant submits that the application for grant of leave to appeal is presented with a delay of 430 days. The delay is explained in the application. The certified copy of impugned judgement was obtained on 24.09.2017. The proposal was sent for assailing the judgment by the D.P.O to the Superintendent of Police, Special Police Establishment on 05.10.2016. It was then forwarded to the Additional Director General of

Police on 06.10.2016. The Additional Director General of Special Police Establishment forwarded the proposal to the Law Department for opinion on 25.10.2016. The Law Department opined and instructed to file appeal vide memo dated 09.11.2016. Thereafter, it was sent to the office of Advocate General, Jabalpur. The Special Police Establishment unit, Rewa was not aware of the permission of law Department to challenge the acquittal. The Superintendent of Police, SPE, Rewa was informed by the Special Public Prosecutor for preparation of appeal on 26.12.2017. Thereafter, the OIC was appointed on 30.12.2017. The OIC approached the Special Public Prosecutor and it was found that some necessary documents are required. After arranging the documents and examination of the record, the present appeal was filed on 06.03.2018. The delay is attributable to the functioning of the State Government requiring permission, deliberations at various levels which consumed time. The delay is unintentional, bonafide and procedural and was beyond the control of the applicant. Therefore, the delay of 430 days in filing of present appeal be condoned. Learned counsel for the applicant submits that the Court may take judicial notice of the procedural delay in functioning of public authorities. The delay is not intentional or deliberate, therefore, the appeal deserves to be heard on merits as it involves the grievous offences under the Prevention of Corruption Act. The dismissal of appeal merely on delay may have adverse effect on the administration of justice. Learned counsel referred to the judgment of Supreme Court in case of *State of Nagaland vs. Lipok AO and Ors.* reported in 2005 (3) SCC 752 to bolster his contentions regarding condonation of

delay in matters involving public machinery.

4 . *Per contra*, learned counsel for the respondent opposes the application and submits that reasonable explanation for delay has not been pleaded in the application. The reasons are vague and unsatisfactory. Learned counsel referring to the judgment of Supreme Court in the case of *Shivamma vs. Karnataka Housing Board and Ors.* reported in 2025 INSC 1104, contends that the State authorities does not deserve any special treatment in explaining the delay. The sufficient cause has to be established for grant of condonation of delay. The application is meritless.

5. Heard both the parties and perused the record.

6 . There is no controversy that application for grant of leave to appeal against the impugned judgment of acquittal is filed with delay of 430 days. The applicant has submitted the explanation that the delay in filing the application is attributable to red-tape and the procedural delay involved in functioning of public authorities.

7 . The Supreme Court in the case of *State of Nagaland vs. Lipok AO* (supra) observed as under:

"13. Experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be a subjected to appeal) and the inherited bureaucratic methodology imbued with the note-making, file-pushing, and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve. The State which represents collective cause of the community, does not deserve a litigant-non-grata status. The courts, therefore, have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression of sufficient cause. Merit is preferred to scuttle a decision on merits in turning down the case on technicalities of delay in presenting the appeal. Delay as accordingly condoned, the order was set aside and the matter was remitted to the High Court for disposal on merits after affording opportunity of hearing to the parties. In *Prabha v. Ram Parkash Kalra* this Court had held that

the court should not adopt an injustice-oriented approach in rejecting the application for condonation of delay. The appeal was allowed, the delay was condoned and the matter was remitted for expeditious disposal in accordance with law.

15. It is axiomatic that decisions are taken by officers/agencies proverbially at a slow pace and encumbered process of pushing the files from table to table and keeping it on the table for considerable time causing delay intentional or otherwise is a routine. Considerable delay of procedural red tape in the process of their making decision is a common feature. Therefore, certain amount of latitude is not impermissible. If the appeals brought by the State are lost for such default no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression "sufficient cause" should, therefore, be considered with pragmatism in a justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay. The factors which are peculiar to and characteristic of the functioning of the governmental conditions would be cognizant to and requires adoption of pragmatic approach in justice-oriented process. The court should decide the matters on merits unless the case is hopelessly without merit. No separate standards to determine the cause laid by the State vis-à-vis private litigant could be laid to prove strict standards of sufficient cause. The Government at appropriate level should constitute legal cells to examine the cases whether any legal principles are involved for decision by the courts or whether cases require adjustment and should authorise the officers to take a decision or give appropriate permission for settlement. In the event of decision to file appeal, a needed prompt action should be pursued by the officer responsible to file the appeal and he should be made personally responsible for lapses, if any. Equally, the State cannot be put on the same footing as an individual. The individual would always be quick in taking the decision whether he would pursue the remedy by way of an appeal or application since he is a person legally injured while the State is an impersonal machinery working through its officers or servants.

16. The above position was highlighted in *State of Haryana v. Chandra Mani and Special Tehsildar, Land Acquisition v. K.V. Ayisumma*. It was noted that adoption of strict standard of proof sometimes fails to protract (sic) public justice, and it would result in public mischief by skilful management of delay in the process of filing an appeal.

17. When the factual background is considered in the light of legal principles as noted above, the inevitable conclusion is that the delay of 57 days deserved condonation. Therefore, the order of the High Court refusing to condone the delay is set aside."

8. The Supreme Court in case of *Sheo Raj Singh v. Union of India*, reported in (2023) 10 SCC 531, on consideration of law laid down in

Collector (LA) v. Katiji, (1987) 2 SCC 107, G. Ramegowda v. LAO, (1988) 2 SCC 142, State of Haryana v. Chandra Mani, (1996) 3 SCC 132, Tehsildar (LA) v. K.V. Ayisumma, (1996) 10 SCC 634, State of Nagaland v. Lipok Ao, (supra), State of Manipur v. Koting Lamkang, (2019) 10 SCC 408, Postmaster General v. Living Media India Ltd., (supra), Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649, State of M.P. v. Bherulal, (supra), University of Delhi v. Union of India, (2020) 13 SCC 745, observed as under-

"30. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial.

31. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an "explanation" and an "excuse". An "explanation" is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must, however, be taken to distinguish an "explanation" from an "excuse". Although people tend to see "explanation" and "excuse" as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real.

32. An "excuse" is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an "excuse" would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.

40. We can also profitably refer to *State of Manipur v. Koting Lamkang*, (2019) 10 SCC 408, cited by Mr Sen, where the same Bench of three Hon'ble Judges of this Court which decided *University of Delhi v. Union of India*, (2020) 13 SCC 745 was of the view that the impersonal nature of the State's functioning should be given due regard, while ensuring that individual defaults are not nit-picked at the cost of collective interest. The relevant paragraphs read as follows:

"7. But while concluding as above, it was necessary for the Court to also be conscious of the bureaucratic delay and the slow pace in reaching a government decision and the routine way of deciding whether the State should prefer an appeal against a judgment adverse to it. Even while observing that the law of limitation would harshly affect the party, the Court felt that the delay in the appeal filed by the State, should not be condoned.

8. Regard should be had in similar such circumstances to the impersonal nature of the Government's functioning where individual officers may fail to act responsibly. This in turn, would result in injustice to the institutional interest of the State. If the appeal filed by the State are lost for individual default, those who are at fault, will not usually be individually affected." (emphasis supplied)

39. According to Mr Sharma, *University of Delhi v. Union of India*, (2020) 13 SCC 745 is a decision by a larger Bench and, therefore, binding on us. This Court, while deciding *University of Delhi*, was seized of a situation where even if the delay were to be condoned, it would cause grave prejudice to the respondent Delhi Metro Rail Corporation at the instance of the casual approach of the appellant University. This Court, on the argument of non-availability of the Vice Chancellor for granting approval to file the appeal, and other reasons put forth in the matter, could not conclude that there was fulfilment of sufficient cause for condonation of delay; hence, the refusal to condone the delay. The decision really turns on the facts before this Court because of the prejudice factor involved.

41. Having bestowed serious consideration to the rival contentions, we feel that the High Court's decision to condone the delay on account of the first respondent's inability to present the appeal within time, for the reasons assigned therein, does not suffer from any error warranting interference. As the aforementioned judgments have shown, such an exercise of discretion does, at times, call for a liberal and justice-oriented approach by the courts, where certain leeway could be provided to the State. The hidden forces that are at work in preventing an appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order of a lower court and thereby secure unholy gains, can hardly be ignored. Impediments in the working of the grand scheme of governmental functions have to be removed by taking a pragmatic view on balancing of the competing interests."

9 . Thereafter, in the matter of **DDA v. Tejpal**, reported in (2024) 7 SCC 433, it was held that-

"C. Law on condonation of delay

22. Since the issue in this batch of appeals concerns the condonation of delay, it would be worthwhile to briefly allude to the law of limitation. The Limitation Act, 1963 ("the Limitation Act") is a statute of repose founded on considerations of public policy and expediency. The dominant objective underlying the law of limitation is that the title to property, and matters of rights in general, cannot be kept in a state of constant uncertainty, doubt or suspense. Public interest requires that finality should be put to litigation. The Limitation Act, thus, prescribes the specific points of time from which the period of limitation begins to run for the institution of actions. On expiry of such period, no action can be initiated save and except where the court condones the delay for a sufficient cause. A party who is insensible to the value of civil remedies, and who does not assert his claim with promptitude is denied the ability to enforce even an otherwise rightful claim. This position is reflected in the Latin maxim, *vigilantibus et non dormientibus jura subveniunt* i.e the law aids the vigilant and not those who sleep on their rights.

23. The Bombay High Court in *Kumudini Ramdas Shah v. K.M. Mody* [*Kumudini Ramdas Shah v. K.M. Mody*, 1984 SCC OnLine Bom 302; AIR 1985 Bom 320, para 4] aptly expounded the philosophical pillars supporting the concept of limitation: (i) the sword of prosecution ought not to be hanging over an individual for an indeterminate period; (ii) those who have been lethargic in safeguarding their interests should not expect the law to come to their rescue; and (iii) a defendant ought not to suffer for lost evidence owing to the passage of time.

24. Section 3 of the Limitation Act reflects this philosophy. Every suit or appeal made after the period of limitation ought to be dismissed, notwithstanding whether such ground had been raised by the opposite side. However, this does not imply that the Limitation Act destroys the right itself. Instead, it only extinguishes the ability to enforce the right, without either creating or destroying the underlying cause of action or entitlement itself.

25. As is clear from a plain reading of Section 5 of the Limitation Act, there are exceptions to this general rule. The statute allows for admitting an action provided "sufficient cause" is shown. This vests courts with the discretion to extend the period of limitation if the applicant can show that he had sufficient cause for not preferring an appeal or application within the prescribed period. Section 5 requires analysis of two ingredients: first, an examination of whether "sufficient cause" has been made out; and second, whether such cause has been shown for not filing the appeal/application "within the prescribed period".

26. As regards the first ingredient, the Limitation Act itself does not provide more guidance on what its constituent elements ought to be. Instead, Section 5

leaves the task of determining appropriate reasons for seeking condonation of delay to judicial interpretation and exercise of discretion upon the facts and individual circumstances of each case,

27. While there is no arithmetical formula, through decades of judicial application, certain yardsticks for judging the sufficiency of cause for condonation of delay have evolved. Mere good cause is not sufficient enough to turn back the clock and allow resuscitation of a claim otherwise barred by delay. The court ought to be cautious while undertaking such an exercise, being circumspect against condoning delay which is attributable to the applicant. [Basawaraj v. LAO, (2013) 14 SCC 81, paras 9-11] Although the actual period of delay might be instructive, it is the explanation for the delay which would be the decisive factor. [Perumon Bhagvathy Devaswom v. Bhargavi Amma, (2008) 8 SCC 321, para 13]

28. The court must also desist from throwing the baby out with the bathwater. A justice-oriented approach must be prioritised over technicalities, [Raheem Shah v. Govind Singh, (2023) 18 SCC 764: 2023 SCC OnLine SC 910, para 6] as one motivation underlying such rules is to prevent parties from using dilatory tactics or abusing the judicial process. Pragmatism over pedanticism is therefore despite it appearing liberal or magnanimous. The sometimes necessary expression "sufficient cause" should be given liberal construction so as to advance substantial justice. [Lonand Grampanchayat v. Ramgiri Gosavi, 1967 SCC OnLine SC 105, para 4.]

29. In addition to "sufficient cause", Section 5 also requires that such cause must be shown within the prescribed period. To satisfy the latter condition, the applicant must show sufficient cause for not filing the appeal/application on the last day of the prescribed period and explain the delay made thereafter. [Ramlal v. Rewa Coalfields Ltd., 1961 SCC OnLine SC 39, para 8] Causes arising after the culmination of the limitation period, despite being sufficient in substance, would not suffice for condonation given this second prong of Section 5 of the Limitation Act. However, the applicant shall not be required to prove each day's delay till the date of filing such appeal/application. [Ummer v. Pottengal Subida, (2018) 15 SCC 127, para 14: (2019) 1 SCC (Civ) 113]

D. .Leeway to be granted to Government entities

48. The appellants have vehemently contended that the Government entities ought to be allowed leeway for condonation of delay. For this, the appellants placed reliance on Collector (LA) v. Katiji, (1987) 2 SCC 107 and G. Ramegowda v. LAO, (1988) 2 SCC 142 which held that courts ought to be generous while considering delay on the part of Government entities given factors unique to them like the impersonal nature of their functioning, inherited bureaucratic methodology, and procedural red-tapeism.

49. However, with time, the position of law held in these cases has been diluted. In CWT v. Amateur Riders Club, 1994 Supp (2) SCC 603, para 3, this Court noted that while latitude can be granted to the Government, it has to

show its bona fides and diligence in filing the appeals. In case of bureaucratic indifference, delay cannot be condoned.

50. Subsequently, in *Postmaster General v. Living Media (India) Ltd.*, (2012) 3 SCC 563, this Court noted that the delay cannot be condoned mechanically only because the appellant is a government entity. The Court explicitly negated the earlier rationale of impersonal machinery and inherited bureaucratic methodology given modern improvements in technology. Lastly, the Court held that Government entities must show bona fides and demonstrate diligence in pursuing the matter.

51. This Court has again in *State of M.P. v. Bherulal*, (2020) 10 SCC 654, reiterated the reasoning of the *Postmaster General* and held that the Collector (LA) could not be relied upon any longer as it was laid down in a different bureaucratic and technological period. The proposition that Government entities ought to be afforded greater latitude on issues of delay on account of administrative exigencies, is no longer a precedent to be followed routinely.

52. Although the appellants have cited two more decisions of this Court in support of their prayer for condonation of delay, we find both of them distinguishable on facts. In *State of Manipur v. Koting Lamkang*, (2019) 10 SCC 408, a three-Judge Bench of this Court, in the peculiar circumstances where certain individual officers had acted with mala fides, chose not to extend the burden of individual recklessness to the State's institutional interest; as may be seen from the following extract:

"8. Regard should be had in similar such circumstances to the impersonal nature of the Government's functioning where individual officers may fail to act responsibly. This in turn, would result in injustice to the institutional interest of the State. If the appeal filed by the State are lost for individual default, those who are at fault, will not usually be individually affected." (emphasis supplied)

53. Similarly, in *Sheo Raj Singh v. Union of India*, (2023) 10 SCC 531, the marked distinction was the scope of interference by this Court while exercising judicial review of an order of condoning delay passed by a High Court. This Court distinguished between the two situations, namely: (i) its constraints while sitting in appeal over a discretionary order; and (ii) itself considering an application for condonation of delay. Such a distinction is discernible from the following passage in *Sheo Raj Singh* -

"33. Be that as it may, it is important to bear in mind that we are not hearing an application for condonation of delay but sitting 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 would be the question." (emphasis supplied)

54. It seems to us that acceding to the appellants' request on the aforesaid account would also have undesirable consequences. If delay were to be

condoned merely on the basis of a broad general assertion of bureaucratic indifference, without requiring demonstration of bona fides or an act of mala fides on the part of specific individuals, it would create an artificial distinction between the private parties and the Government entities vis-à-vis the law of limitation. This would not be in conformity with the spirit of equality before law as guaranteed under our Constitution. Allowing such latitude would further distort incentives for the Government and encourage more laxity by the bureaucracy in its general functioning, thereby undermining quality governance."

9 . Later, in the matter of *Shivamma Vs. Karnataka Housing Board and Ors.* (supra), the Supreme Court, on consideration of precedents on the subject, observed as under-

"210. What may be discerned from the aforesaid is that the jurisprudence on condonation of delay under Section 5 of the Limitation Act, particularly where the State or any of its instrumentality is involved, has witnessed a significant shift. From a regime that once accorded preferential indulgence to the State, premised on its bureaucratic complexities and institutional inertia, the law has now evolved to insist upon parity between the government and private litigants. The rationale is that public interest is better served not by excusing governmental inefficiency, but by fostering accountability, diligence, and responsibility in the conduct of public litigation.

211. The earlier decisions of this Court, particularly in *K.V. Ayisumma* (supra), *Chandra Mani* (supra), *Lipok AO* (supra) and *Indian Oil Corpn* (supra) insofar as they favoured a liberal approach towards the State or any of its instrumentality in matters of condonation of delay, and showed indulgence in condoning the same on ground of impersonal and slow-moving nature of these entities, no longer reflects the correct position in law. No litigant, be it a private party or a State or any of its functionaries, is entitled to a broader margin of error, falling in the category of inaction, negligence or casualness, in matters of limitation.

212. The law as it presently stands, post the decision of *Postmaster General* (supra), is unambiguous and clear. Condonation of delay is to remain an exception, not the rule. Governmental litigants, no less than private parties, must demonstrate bona fide, sufficient, and cogent cause for delay. Absent such justification, delay cannot be condoned merely on the ground of the identity of the applicant.

213. From a combined reading of *Bal Kishan Mathur* (supra) and *Sheo Raj Singh* (supra) it is equally manifest that the ratio of *Postmaster General* (supra) is, in essence, twofold. First, that State or any of its instrumentalities cannot be accorded preferential treatment in matters concerning condonation of delay under Section 5 of the Limitation Act. The State must be judged by the same standards as any private litigant. To do otherwise would not only compromise

the sanctity of limitation. The earlier view, insofar as it favoured a liberal approach towards the State or any of its instrumentality is no more the correct position of law. Secondly, that the habitual reliance of Government departments on bureaucratic red tape, procedural bottlenecks, or administrative inefficiencies as grounds for seeking condonation of delay cannot always, invariably accepted as a "sufficient cause" for the purpose of Section 5 of the Limitation Act. If such reasons were to be accepted as a matter of course, the very discipline sought to be introduced by the law of limitation would be diluted, resulting in endless uncertainty in litigation.

214. What has been conveyed in so many words, by the decision of Postmaster General (*supra*) is that while excuses premised solely on bureaucratic lethargy cannot, by themselves, constitute sufficient cause, there may nonetheless be circumstances where the explanation offered, though involving bureaucratic procedures, reflects a genuine and bona fide cause for the delay. In such instances, the true test is whether the explanation demonstrates that the State acted with reasonable diligence and whether the delay occurred despite efforts to act within time. Where such bona fides are established, the Court retains the discretion to condone the delay.

215. In other words, Postmaster General (*supra*) does not shut the door on condonation of delay by the State in all cases involving bureaucratic processes. The real distinction lies between a case where delay is the result of gross negligence, inaction, or casual indifference on the part of the State, of a defensive action. Calling something as just an "excuse" would imply that the explanation proffered is believed not to be true. An "explanation" on the other hand would demonstrate genuineness in actions and reasons assigned, and would other wise be devoid of any gross negligence, deliberate inaction or lack of bona fides, or indifference or casualness in conduct. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. of a defensive action. Calling something as just an "excuse" would imply that the explanation proffered is believed not to be true. An "explanation" on the other hand would demonstrate genuineness in actions and reasons assigned, and would other wise be devoid of any gross negligence, deliberate inaction or lack of bona fides, or indifference or casualness in conduct. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts.

218. However, equally important to note is that wherever, any explanation is sought to be given on account of bureaucratic lethargy and inherent complexities of governmental decision-making, the same more often than not would invariably always is an "excuse", as experience has shown us, depicted from a long line of decisions of this Court. It is at this stage, where the decision of Postmaster General (*supra*) assumes significance. It seeks to convey the messages, that court should not be agnostic, to how the State or its

instrumentalities, often tend to take the recourse of condonation of delay in a casual manner.

219. Which is why, as per the ratio of Postmaster General (*supra*) and a plethora of other subsequent decision, the ordinary approach of the courts, in cases where delay is sought to be condoned by offering the explanation of bureaucratic lethargy or red-tapism, must be one of circumspection and reluctance. The courts ought to loathe in accepting such explanations as "sufficient cause". They should apply their minds carefully, be slow in condoning delays on such reasons, and exceptional instances, where the explanation is found to be genuine, reflective of reasonable vigilance and promptitude in conduct, and free from gross negligence, deliberate inaction, lack of bona fides, or casual indifference, should such an explanation be accepted.²

31. Public interest, therefore, does not lie in condoning governmental negligence, but in compelling efficiency, responsibility, and timely decision-making. This Court has time and again emphasised that liberal condonation of delay on behalf of the State, merely on the ground that refusal might cause the dismissal of a potentially meritorious matter, is a misplaced proposition. Public interest is not synonymous with the cause of the Government; it is, instead, synonymous with the enforcement of rule of law, certainty in legal rights, and an administrative machinery that functions with diligence and accountability.

232. It must, therefore, be underscored that the guiding principle is not the protection of governmental indifference but the promotion of responsible governance. The State is under a higher duty to act in time, for in every matter it litigates, it does so not in its private capacity, but as the trustee of the people's interest. Hence, repeated indulgence in condoning delays on grounds of bureaucratic inefficiency would amount to eroding the very object of limitation statutes, which are enacted in every civilised jurisdiction for the sake of finality, certainty, and public order.

233. Any other view, would invariably defeat the sound public policy embodied in the Limitation Act and fail in enthusing efficiency in administration, and bring a balance between accountability and autonomy of action, It would result in giving immunity or *carte blanche* power to act as it pleases with the public at whim or vagary and inevitably spell doom all over the collective responsibility that the State and its instrumentalities are entrusted with. Thus, we are of the considered opinion, that delay cannot be condoned, merely because not doing so would result in non-suiting the State and thereby run the ostensible risk of public interest suffering. Such by no stretch can be the sole consideration for the purpose of Section 5 of the Limitation Act, as to do so would be to ignore the provision of Section 3 and the overarching public policy of giving *quietus to lis*, that forms the bedrock of the Limitation Act."

10. Thus, the condonation of delay under Section 5 of the Limitation Act cannot be claimed as a matter of right. No special concession can be granted

merely because the applicant is a State or a functionary of the State. Despite the latitude conventionally shown to the functionaries of the State, the applicant cannot get an automatic or presumptive benefit of condonation on the ground of bureaucratic lethargy. The "sufficient cause" must be a genuine bonafide explanation and not a formal excuse for a bureaucratic formality. The explanation that merely narrates the file having moved through official channels for approval from higher authorities, without disclosing the genuine and bonafide impediments, may not amount to sufficient cause. Such an explanation is not an explanation amounting to "sufficient cause" but a lame excuse. An explanation reflecting only the routine procedural movement of files between officials without particulars of what caused the specific delay, who was responsible for it and why it could not have been avoided, is a stereo-typed explanation that fails to meet the threshold of "sufficient cause".

[Commissioner of Wealth Tax, Bombay v. Amateur Riders Club, 1994 Supp (2) SCC 603; Pathapati Subba Reddy (Dead) by LRs v. The Special Deputy Collector (LA) (2024) 12 SCC 336; State of Orissa v. Managing Committee of Namatara Girls High School, 2026 SCC OnLine SC 191 relied.]

11. The material on record is examined in light of aforestated propositions of law. It is pertinent to mention that the initial presumption of innocence in favour of accused stands fortified by the impugned judgement of acquittal after trial on merits. When the applicant/appellant seeks to assail such a judgment after delay of 430 days i.e., more than 01 year and two months beyond the prescribed period of limitation, a substantial burden lies upon the applicant to demonstrate "sufficient cause". Delay in preferring an appeal against an acquittal cannot be viewed as a mere administrative oversight as it

directly impinges upon the accrued right of liberty enjoyed by the accused acquitted after trial by a competent Court.

12. Learned counsel for the applicant contended that the matter involves serious offences punishable under the Prevention of Corruption Act, therefore, dismissal of appeal on the ground of delay may have adverse effect on the administration of justice. If the applicant considered the matter to be of such importance as to impact administration of justice, the officials of the applicant organization were expected to be vigilant, careful, and diligent in prosecuting it.

13. The applicant/Special Police Establishment has attempted to explain the delay on the ground of bureaucratic functioning and procedural necessities. However, the period consumed in seeking the legal opinion, preparing the appeal and filing the application for grant of leave to appeal, as set out in the application, manifests bureaucratic lethargy, inaction, casual indifference and lack of diligence on the part of the officials concerned. The applicant cannot take refuge under administrative exigency and procedural niceties. The delay attributable to the appointment of the Officer-in-Charge (OIC) and the preparation of the appeal was avoidable, reflecting neither *bona fides* nor diligence on the part of the officials of the applicant organization. Every stage of the process, as stated in application, suffers from laxity and laches. The applicant has failed to demonstrate that the officials of the applicant organization acted with a reasonable diligence and the delay occurred despite *bonafide* efforts to act within the period of limitation. Consequently, the reasons proffered for the delay appear to be a lame excuse rather than a cogent and satisfactory explanation.

14. In view of above discussion, this Court is of the considered opinion that the applicant has failed to satisfactorily explain the delay of 430 days (more than 01 year and two months beyond the prescribed period of limitation) in filing the application for grant of leave to appeal.

15. Consequently, the application I.A. No.3535/2018 for condonation of delay filed under Section 5 of the Limitation Act is dismissed.

16. Consequently, the present M.Cr.C. is also **dismissed**.

(SANJEEV S KALGAONKAR)
JUDGE