

No.Fin-D(B)1-1/2005-Vol.-1
Government of Himachal Pradesh
Finance Department 'D' Section

From

Principal Secretary(Finance) to the
Government of Himachal Pradesh.

To

1. The Director T&A and Lottries, H.P. Shimla-9
2. The Director Institutional Finance,H.P. Shimla-2
3. The Examiner LAD, H.P. Shimla-9.
4. The Director Small Saving,H.P. Shimla-2.
5. The Advisor Planning , H.P. Shimla-2
6. The Economic Advisor(Eco.& Stat.),H.P. Shimla-2
7. All S.Os in Finance Department Sections.

Dated:- Shimla-2, the 31st December, 2009.

Subject:- Cr.A. 436/09- State of Himachal Pradesh V/s Pawan
Kumar.

Sir,

I am directed to enclose herewith a photocopy of letter No.Cr.A.436/2009-40409 dated 18-12-2009 received from the Advocate General, Himachal Pradesh, on the subject noted above.

The instructions contained in the letter referred to above may please be adhered to in letter and spirit keeping in view the observation of the Hon'ble High Court.

Yours faithfully,

Sd/-
Deputy Secretary(Fin.)to the
Government of Himachal Pradesh.

Copy

No.Cr.A.436/2009-40409
Office of the Advocate General,
State of Himachal Pradesh, Shimla.

Dated: Shimla the 18^{th/22} December, 2009

To

The Chief Secretary to the Govt. of
Himachal Pradesh, Shimla.

Subject: Cr.A.436/09-State of Himachal Pradesh V/s. Pawan Kumar.

Sir,

The Hon'ble High Court of Himachal Pradesh has passed an order dated 16.12.2009 in criminal appeal No. 436/09 which was accompanied with an application for condonation of delay in filing the appeal. From the perusal of the order dated 16-12-2009 passed by the Hon'ble High Court in Cr. A. No.436/09 it is noticed that though the Hon'ble Court was pleased to condon the delay in filing the appeal but at the same time the Hon'ble Court has observed/directed as under:-

“We order that in future every application for delay sought by the State shall be accompanied by the affidavit of the Principal Secretary of the concerned department , so that, at least it comes to the notice of the Principal Secretary of that department how his Department functions.

Ld. Additional Advocate General shall obtain a copy of this order and shall ensure that the copies are sent to the Principal Secretary of all the Department with a forwarding letter of the learned Advocate General”.

The copy of the order dated 16-12-2009 passed by the Hon'ble Court in Criminal appeal No. 436/09 is being sent alongwith this letter. Worthy Chief Secretary is requested to ensure that the Principal Secretaries of all the department should comply with the order dated 16-12-2009 passed in criminal appeal No.436/09 both in letter and spirit.

Yours faithfully,

Advocate General,
Himachal Pradesh.

16-12-2009 Present: Mr.P.K. Sharma, Addl.AdvocateGeneral with
Mr.Ramesh Thakur,Assistant Advocate General, for
the appellent.

C r.M.P. (M) No. 1064/2009

Though, we are not satisfied with the grounds stated for condonation of delay, which are stereotype because in every case where condonation is sought on behalf of the state, explanation given is that a particular Department took a long time to give its opinion or that the record received from the prosecutors or the concerned Department was incomplete etc., yet in the interest of justice and also keeping in view the fact that the delay is only of six days , we allow the application and condone the delay. Application is disposed of.

We order that in future every application for condonation of delay sought by the state shall be accompanied by the affidavit of the Principal Secretary of the concerned Department, so that, at least it comes to the notice of the Principal Secretary of that Department how his Department functions.

Learned Additional Advocate General shall obtain a copy of this order and shall ensure that the copies are sent to the Principal Secretaries of all the Depatrtments with a forwarding letter of the learned Advocate General.

Cr. M. P. (M) No. 1065/2009

Notice returnable within four weeks. Trial Court's record be also requisitioned.

Dated:Dec.,16,2009

Sd/- Surjit Singh,J.
Sd/-Surinder Singh,J.