IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No.34 of 2026
Date of Decision: 20.08.2026

Bhima Devi .....**Appellant**

Versus

State of H.P. and Another .....**Respondents**

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Appellant: Mr. Kush Sharma, Advocate.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General, with Mr. Ravi Chauhan, Deputy Advocate General, for State.

Sandeep Sharma, J. *(Oral)*

Cr.MP(M) No.1579 of 2026

By way of instant application filed under Section 5 of the Limitation Act, prayer has been made on behalf of the applicant/appellant for condonation of delay in maintaining the accompanying appeal, which is barred by limitation.

2. Having carefully perused the averments contained in the application, which is duly supported by an affidavit, this Court is convinced and satisfied that delay in maintaining the accompanying appeal is neither intentional nor deliberate, rather same has occurred on account of the circumstances, which were completely beyond the control of the applicant/appellant and as such, delay in filing the appeal, which in my

High Court of H.P.

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considered view has been sufficiently explained, is condoned. The application stands disposed of.

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3. Be registered.

4. Having heard learned counsel representing the parties and perused the reasoning assigned in the impugned order dated 29.04.2026 passed by the learned Special Judge-1, Shimla, Himachal Pradesh, in Case No.63 of 2025, titled as *State of H.P. Vs. Bhima Devi*, this Court finds no illegality in the same and as such, no interference is called for. However, having taken note of the fact that the petitioner is 50 years old and at present, she is suffering from many ailments, coupled with the fact that she does not have any regular source of income, this Court deems it fit to modify the amount of penalty from ₹50,000/- to ₹40,000/-. Ordered accordingly. The aforesaid amount of penalty shall be recovered as arrears of land revenue from the movable and/or immovable property of the surety-petitioner, Bhima Devi.

The petition stands disposed of in the aforesaid terms along with pending application(s), if any.

August 20, 2026 **(Sandeep Sharma),**
Rajeev Raturi **Judge**

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