

2025 LiveLaw (SC) 1035

IN THE SUPREME COURT OF INDIA
PANKAJ MITHAL; J., PRASANNA B. VARALE; J.
SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 31797/2025; 27-10-2025
KAMALJIT KAUR *versus* STATE OF PUNJAB

Code of Criminal Procedure, 1973 - Special Leave Petition (Criminal) - Delay - Legal Aid - National Legal Services Authority (NALSA) Scheme - Misuse of Process - Supreme Court noted that SLP was filed with a delay of 2298 days by a convict and held that the petition was filed merely under a legal aid programme without the convict's consent, and that such a practice amounts to misuse of process - Held that since the petitioner never expressed any desire to file the Special Leave Petition, its filing only in view of the NALSA programme is a misuse of the process - Noted that that the delay in filing the same does not stand explained at all - Petition dismissed. [Paras 4, 5]

[Arising out of impugned final judgment and order dated 20-11-2018 in CRA-D-454-DB-2013 passed by the High Court of Punjab & Haryana at Chandigarh]

For Petitioner(s) Mr. Rameshwar Singh Malik, Sr. Adv., Ms. Savita Devi, Adv., Mr. Jitesh Malik, Adv., Mr. Rajiv Kumar Sinha, AOR

ORDER

1. The present special leave petition was filed on behalf of the convict with a delay of 2298 days through the legal aid.
2. We were not satisfied by the explanation furnished in the delay condonation application and thus, has permitted the counsel for the petitioner to seek instructions from the jail authorities and to file a better affidavit so as to explain the delay from the date of the judgment.
3. In pursuance to the aforesaid order, a better affidavit sworn by the Superintendent, Central Jail, Kapurthala, Punjab explaining the delay has been filed. He has categorically stated in paragraphs '3' and '4' of the affidavit that the petitioner-accused never approached for the filing of the special leave petition and that she was not willing to file the same before the Supreme Court of India. The special leave petition has been filed merely in view of the directions of National Legal Services Authority('NALSA') to provide free legal aid to needy persons and prisoner.
4. In view of the aforesaid facts and circumstances, as the petitioner never expressed any desire to file a special leave petition before this Court, we are of the opinion that the filing of the special leave petition only in view of NALSA programme is misuse of the process and the delay in filing the same does not stand explained at all.
5. Accordingly, the special leave petition is dismissed on the ground of delay.
6. Pending application(s), if any, shall stand closed.

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