

Aditya Kumar Vs Pooja Sachdeva

Cr. MP(M) No. 2727 of 2025

31.12.2025

Present: Ms. Leena Guleria, Advocate, for the applicant.

Mr. Sameer Thakur, Advocate, for the respondent.

The applicant has preferred the accompanying revision against the order dated 05.07.2025, passed by the Court of learned Additional Sessions Judge (CBI Court) Shimla, District Shimla, H.P., whereby the appeal preferred by the applicant has been ordered to be partly allowed.

2. Since, the revision has been filed after the prescribed period of limitation, as such, the present application for condonation of delay, has been filed.

3. By way of present application, the delay of about 25 days, in filing the revision, has been sought to be condoned, on the ground that after the decision, the office-clerk of the Counsel for the applicant, before the learned trial Court, had applied for the certified copy of judgment dated 05.07.2025, on 08.07.2025, which was prepared on 09.07.2025 and was delivered on 14.07.2025, to the applicant. However, the said certified copy is stated to be misplaced in the office of the learned Counsel and the same was traced out only

on 30.08.2025 and thereafter, revision petition has been filed.

4. Apart from this, it has also been pleaded that the delay caused is beyond the control and power of the applicant.

5. On the basis of above facts, a prayer has been made to condone the delay. The application is supported by an affidavit.

6. When, put to notice, the application has been contested by the respondent, on the ground that there is no justification of the delay in filing the revision after the prescribed period of limitation.

7. The ground for condonation of delay, as pleaded in the application is also stated to be not sufficient cause for condonation of delay. The accompanying revision petition is also stated to be an afterthought act and a counterblast to the revision petition filed by the non-applicant bearing CMPMO No. 493 of 2025, against the order dated 05.07.2025.

8. On merits, the contents of the application have also been assailed on the similar grounds. Lastly, it has been pleaded that the applicant could not make out a case for condonation of delay.

9. On the basis of above facts, Mr. Sameer Thakur, Advocate, for the non-applicant prayed that the

application be dismissed. Reply is duly supported by the affidavit of the non-applicant Pooja Sachdeva.

10. Heard.

11. By way of judgment dated 05.07.2025, the learned Appellate Court, has partly allowed the appeal preferred by the applicant. Thereafter, the present revision petition has been filed, which is barred by limitation, and the ground for condonation of delay, has been pleaded about the fact that after the receipt of the certified copy, the same has been misplaced in the office of the learned Counsel, before the learned Appellate Court.

12. The said assertion has been contested by the non-applicant, however, the reply is totally silent about any negligence or inaction on the part of the applicant, in not preferring the appeal within prescribed period of limitation.

13. When, the negligence or inaction has not been pleaded, then the version, which has been given in the application, which is also supported by the affidavit of the applicant, this Court is of the view that the delay in not preferring the revision before this Court within prescribed period of limitation is not intentional. No object is going to be achieved, by the applicant, in not preferring the appeal, within the prescribed period of

limitation, had the applicant not been prevented to do so, by the reasons, as mentioned in the application.

14. Another ground, for condonation of delay, is that order dated 05.07.2025, has also been assailed by the non-applicant, by filing CMPMO No. 493 of 2025. In such situation, this Court is of the view that since the order in issue, has also been called in question by the non-applicant, by filing CMPMO No. 493 of 2025, the matter should be decided on merits and not on the ground of technicalities.

15. Considering the above facts, the application is allowed and the delay in filing the revision is ordered to be condoned.

16. Application is, thus, disposed of.

Cr. Revision No. _____ of 2025

17. Vide order of the even date, passed in Cr. MP(M) No. 2727 of 2025, delay in filing the Criminal Revision has been ordered to be condoned. Be registered.

18. Service is complete.

19. Be tagged with CMPMO No. 493 of 2025.

20. List on 18.03.2026.

Cr. MPST No. 9262 & 9263 of 2025

21. Applications for exemption in filing certified/typed/original copies of documents is allowed, as prayed for and are disposed of.

Cr. MPST No. 9265 of 2025

22. The present application is dismissed, being not pressed, at this stage.

(Virender Singh)
Judge

31st December, 2025
(Pramod)