

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-18236-2009

Date of decision : 19.02.2015

Birender Kumar

... Petitioner

Versus

The Secretary Tulsiram and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms.Anju Arora, Advocate
for the petitioner.

None for the respondents.

REKHA MITTAL, J.

The present petition under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') has been filed for setting aside order dated 12.03.2007 whereby the criminal revision No.49 of 2005 was dismissed in default and order dated 06.12.2008 vide which the application for setting aside order dated 12.03.2007 was dismissed, with a prayer for restoration of the revision petition.

Counsel for the petitioner would contend that the revision petition cannot be dismissed by the revisional Court for want of prosecution and the same is required to be disposed of on its merits even if the petitioner has absented from the proceedings, therefore, the impugned orders are liable to be set aside. For this purpose, she relied upon judgment of this Court ***Smt.Pushpa Rani & another Vs. Shri Satish Kumar, 1977 Chandigarh Law Reporter 367.***

I have heard counsel for the petitioner and perused the records.

On 30.05.2013, the order passed by this court reads as follows:-

“The typed copy of the impugned order is not a true

copy of the original order. Learned counsel for the petitioner prays for time to place on record the correct order.

Adjourned to 9.9.2013.”

Subsequent thereto, the case was adjourned on a number of occasions to enable the petitioner to comply with the order dated 30.05.2013 but he failed to do the needful. On August 25, 2014, the petitioner was granted last opportunity to comply with aforesaid order dated 30.05.2013. A relevant extract from order dated August 25, 2014 reads as follows:-

“Learned counsel for the petitioner prays for one last adjournment for complying with the order dated 30.05.2013.

Adjourned to 19.2.2015.”

Despite elapse of about 6 months during interregnum, the petitioner still failed to comply with the order. The failure of the petitioner to comply with the directions of this Court for almost 2 years speaks volume of his commitment to pursue his remedy, as earlier the revision petition preferred by him was dismissed by the Court below. Counsel for the petitioner is not in a position to justify her claim to seek further adjournment to comply with the order dated 30.05.2013.

In view of the above, the petitioner has rendered himself disenitl to indulgence of this Court in exercise of extra ordinary jurisdiction under Section 482 Cr.P.C.

Dismissed.

(REKHA MITTAL)
JUDGE

February 19, 2015.

DK