

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-41696 of 2014
Date of Decision:9.1.2015

Sunil Kumar

---Petitioner

versus

State of Punjab

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.K.S.Godara, Advocate
for the petitioner**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The present petition under Section 482 of the Code of Criminal Procedure (in short “Cr.P.C.”) lays challenge to order dated 14.11.2014 (Annexure P-5) passed by the Additional Sessions Judge, Sri Muktsar Sahib whereby the revision petition preferred by the petitioner against order framing charge by the trial court has been dismissed.

FIR No. 176 dated 30.10.2009 for offence punishable under Section 420 of the Indian Penal Code (in short “IPC”) was registered against the petitioner at police station, Sadar Malout at the instance of

Ashok Kumar complainant. On completion of investigation, challan was presented in the Court of Judicial Magistrate, Malout and the petitioner was charged for committing offence punishable under Section 420 IPC vide order dated 27.9.2011. The petitioner challenged order dated 27.9.2011 by way of revision before the Court of Sessions which came to be dismissed vide impugned order dated 14.11.2014 primarily on the ground of limitation as the petition was filed after delay of 528 days.

Counsel for the petitioner contends that the petitioner being illiterate litigant did not have knowledge of the court proceedings and law of limitation and therefore, he could not prefer the revision petition within the stipulated period as he did not get proper legal advice from his counsel representing him before the trial court. It is further submitted that failure to approach the court within limitation should not be allowed to stand in the way of the petitioner for his being heard on merits of the petition. The impugned order may be set aside and the matter may be remitted to the revisional court for decision on merits.

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

There cannot be any dispute about the fact that technicalities should not be allowed to stand in the way of substantial justice. However, the legislature in its wisdom has passed the Limitation Act so that there should be an end to the litigation and the litigant should not be at liberty to seek redressal of his grievance in perpetuity. Equally true is that ignorance of law is no excuse. There is no justifiable reason to explain inordinate delay of 528 days in approaching the Court. I do not find any error much less illegality in the impugned order warranting interference in exercise of

jurisdiction under Section 482 Cr.P.C.

Dismissed in limine.

(REKHA MITTAL)
JUDGE

9.1.2015
PARAMJIT