

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.16 17:41
I attest to the accuracy and
authenticity of this document

CRM No. M-4926 of 2015 (O/M)
Date of decision : 13.2.2015

Mohit Jindal

..... Petitioner

Versus

State of U.T. Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pushpinder Kaushal, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper 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 ?

-. -

-. -

KULDIP SINGH, J. (ORAL)

Impugned in the present petition is the order dated 23.9.2014 (Annexure-P-5), passed by the learned Additional Sessions Judge, Chandigarh, vide which, in the revision petition, challenging the order dated 16.10.2013 (Annexure-P-1), passed by the learned Judicial Magistrate 1st Class, Chandigarh, in complaint titled Mohit Jindal Versus Sudesh Kumari and another, the delay of 145 days in filing the revision was condoned and the appellate Court decided to hear the revision on merits for the offences punishable under Sections 420, 465, 467, 468, 471, 474, 120-B read with Sections 193 and 198 IPC.

Learned counsel for the petitioner has argued that the delay in filing the revision has not been properly explained. Therefore, the delay could not be condoned.

A perusal of the impugned order dated 23.9.2014 (Annexure-P-5), passed by the learned Additional Sessions Judge, Chandigarh, shows that the husband/petitioner herein had filed a criminal complaint against wife/respondent No. 2 herein under the sections noted above. In the application itself, the reason for delay in filing the revision has been explained, which has been reproduced by the learned Additional Sessions Judge, Chandigarh, in para No. 2 of his order dated 23.9.2014 (Annexure-P-5). It is stated that on receiving the summoning order, the wife/respondent No. 2 herein applied for anticipatory bail and thereafter, she came to know about the pendency of the case only. These were sufficient grounds for condoning the delay. Moreover, the learned Additional Sessions Judge, Chandigarh, is of the opinion that taking into account the overall facts and circumstances of the case, it will be appropriate, if the delay is condoned.

I am of the view that keeping in view the background of the case, in which the husband/petitioner herein had filed a criminal complaint for forgery and cheating against wife/respondent No. 2 herein, the summoning order could be examined on merit in revision.

The present petition is accordingly dismissed.

(KULDIP SINGH)
JUDGE

13.2.2015
sjks