

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.35797 of 2014

and

Criminal Revision No.3780 of 2014 (O&M)

.....

Date of decision:16.1.2015

Ramesh

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Mohit Garg, Advocate for the petitioner.

.....

Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 16.5.2013 passed by the learned Additional Sessions Judge, Hisar. Along with the revision petition, an application i.e. Criminal Misc. No.35797 of 2014 under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condoning the delay of 450 days in filing the revision petition, has been filed.

It is stated in the application that inadvertently the Clerk of the Advocate kept the above mentioned file in the rack of decided cases as a result of which the said revision petition could not be filed. It is only,

[2]

when the petitioner contacted his counsel, the counsel came to know that the above mentioned case has not been filed because of the above mentioned inadvertent mistake on the part of the Clerk of the counsel as a result of which delay of 450 days in filing the revision petition occurred.

I have heard learned counsel for the petitioner and have gone through the record.

Earlier the learned Judicial Magistrate Ist Class, Hansi, vide judgment and order dated 27.5.2009, convicted the private respondents for the offences under Sections 323 and 325 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for three months each for the offence under Sections 323 read with Section 34 IPC. They have also been sentenced to undergo rigorous imprisonment for two years each and to pay fine of ₹400/- each and in default of payment of fine to further undergo simple imprisonment for two months each for the offence under Section 325 read with Section 34 IPC. Aggrieved against this impugned judgment and order, an appeal was filed before the learned Additional Sessions Judge, Hisar, and the learned Additional Sessions Judge vide impugned judgment dated 16.5.2013 released respondents No.2 to 5 of this revision petition on probation. Now this revision petition has been filed after the delay of 450 days.

From the perusal of the application filed under Section 5 of the Limitation Act, I find that no sufficient ground has been given for condoning the delay. The learned counsel has simply stated that his Clerk had kept this file in the decided cases, but there is no explanation as to

[3]

why the present petitioner had not contacted his counsel within the period of these 450 days to know the fate of the case. Mere averment that this file had been kept in the decided cases is no ground for condoning such a long delay especially when the private respondents have already undergone even the period of probation.

Therefore, finding no merit in the criminal miscellaneous application No.35797 of 2014 filed under Section 5 of the Limitation Act, the same is dismissed.

Consequently, this criminal revision petition is also dismissed being time barred.

January 16, 2015.

(Inderjit Singh)
Judge

hsp