

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.36531 of 2014
and
Criminal Revision No.3857 of 2014

.....

Date of decision:22.1.2015

Satnam Ram

...Petitioner

v.

Bhagwan Ram and others

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Ms. Anupam Sharma, Advocate for the petitioner.

.....

Inderjit Singh, J.

Cr. Misc. No.36531 of 2014 &
Cr. Revision No.3857 of 2014:

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 27.7.2013 passed by learned Additional Sessions Judge, Fazilka, vide which the appeal filed by the accused-private respondents against the impugned judgment and order dated 21.10.2011 passed by learned Sub Divisional Judicial Magistrate, Fazilka convicting and sentencing accused-private respondents, has been dismissed while modifying the sentence and releasing them on probation.

Along with the criminal revision petition, Criminal Misc.

Application No.36531 of 2014 under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condoning the delay of 382 days in filing the criminal revision petition has been filed.

I have heard learned counsel for the applicant-petitioner on the application filed under Section 5 of the Limitation Act and have gone through the record.

The applicant-petitioner in the application has only stated that the petitioner was told by a lawyer at District Court that it was likely that the State of Punjab would be filing revision petition before this Court, but the same could not happen. Thus, the present revision petition has been filed by the petitioner without making any further delay.

A perusal of the application shows that the applicant-petitioner was advised that the State may file the revision petition in this Court against the order of the learned Additional Sessions Judge, vide which he released the private respondents on probation in complaint case for the offences under Sections 323, 504, 148 and 149 IPC.

Firstly, it was a complaint case and the State was not a party before the learned Sub Divisional Judicial Magistrate, Fazilka. Only in the appeal, the State of Punjab was made respondent. When the learned Additional Sessions Judge released the private respondents on probation vide impugned judgment dated 27.7.2013, the complainant-petitioner has not taken any step to challenge that judgment for more than one year. Now from the perusal of the application, no ground is made out showing any sufficient cause or reason for condoning the delay of 382 days in

filing the criminal revision petition.

Therefore, finding no merit in the criminal miscellaneous application for condonation of delay, the same is dismissed.

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

January 22, 2015.

(Inderjit Singh)
Judge

hsp