

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-4174 of 2014 (O&M)
Date of Decision:24.03.2015

Sunny and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. P.S. Jammu, Advocate for the petitioner.

Mr. B.S. Bhullar, AAG, Punjab for respondent No.1.

Mr. Surender Sharma, Advocate for
Mr. Anil Kumar, Advocate for respondent No.2.

NAVITA SINGH, J.

1. It may, first of all, be pointed out that earlier a petition was filed by the petitioners, which was withdrawn by them for availing the alternative remedy to file revision petition before the court of Sessions. Liberty was granted by this Court on 1.4.2014 and it was observed that in the event of the revision petition being filed within 15 days from the date of that order, it would be heard and disposed of on merits.

2. The petition was not filed before the court of Sessions within the period granted by this Court. An application for condonation of delay was filed, which was dismissed by the Additional Sessions Judge, Jalandhar.

3. Counsel for the petitioners contended that inordinate delay was not caused in filing the petition, though admittedly it was not filed within 15 days' time granted by this Court.

4. It was mentioned in the application filed before the court below that the petitioners were not aware about the passing of the order and when they came to know about it on 27.4.2014, they engaged a counsel and applied for certified copy on the next date. After the copy was received, petitioner No.1 was fell sick and petitioner No.2 remained occupied in official work as he was in the police department.

5. The Additional Sessions Judge categorically mentioned in his order that specific order was passed by this Court granting time of 15 days from 1.4.2014 to file the revision petition and, therefore, he was not competent to grant any additional time. Extension, if any, was to be sought from the High Court.

6. There is nothing to show that any extension was sought from this Court. The reason given for the delay in filing the petition is far from convincing. It is not believable that an order, which was passed on 1.1.2014 in presence of counsel for the petitioners, had come to their knowledge only on 27.4.2014. Thereafter, they still did not file the petition immediately on getting the certified copy. The date of delivery of the copy to them is not given in the petition.

7. There is also nothing to show that petitioner No.1 had fallen sick and petitioner No.2 was engaged in such duty as kept him occupied the entire time and he could not contact the counsel.

8. The petitioners have set up a cock and bull story and tried to hoodwink the court. The direction given by this Court was to be followed and the petitioners should have been diligent enough to file the petition before the court of Sessions within the time granted to them by this Court.

9. The petition is absolutely devoid of merit and is dismissed.

(NAVITA SINGH)
JUDGE

24.03.2015
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Whether to be referred to reporter: No