

In the High Court of Punjab and Haryana at Chandigarh

**CRR No. 737 of 2015 (O&M)
Date of Decision: March 02, 2015**

Krishan Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Manish Prabhaker, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant revision petition has been filed by the petitioner against the impugned order dated 23.07.2014 passed by learned Additional Sessions Judge (Ad hoc), Fast Track Court, Amritsar whereby appeal filed by the petitioner against judgment dated 13.01.1990 passed by learned Chief Judicial Magistrate Commandant 73 Btn. C.R.P.F., Rayya has been dismissed on the ground of limitation.

I have heard learned counsel for the petitioner and perused the record.

Vide impugned order dated 23.07.2014, learned Additional Sessions Judge has observed as under:-

“8. *From the above referred judgment it is clear that it is to be seen whether there was any gross negligence or*

deliberate inaction or lack of bonafides. Otherwise liberal concession has to be adopted to advance substantial justice. Here in the present case the judgment was passed on 13.01.1990. The present appeal has been filed on 02.07.2011 i.e. after the period of than twenty one years and six months. The appellant himself stated in his cross examination while appearing as AW1 that order of dismissal was made known to him on 16.1.1990 and the said order bears his signatures as point A. This shows that he has full knowledge about passing of the order. He has not mentioned any reason as to why he has not filed the appeal within time and had slept over the matter for more than twenty years. In these circumstances, it is clear that there is inordinate and unexplained delay of twenty years and six months in filing the appeal against the judgment dated 13.01.1990. The cause shown for not approaching the Court within limitation is stated that the copy of the order was not provided to him. The cause shown has not been substantiated. Therefore, there is no cogent reason to condone the delay in filing the appeal in hand. This issue is decided against the appellant and in favour of the respondent.”

Learned counsel for the petitioner has failed to point out any

illegality or perversity in the impugned order passed by learned Additional Sessions Judge. There was delay of about 21 years and 6 months in filing the appeal. No cogent and sufficient reasons have been mentioned for condonation of delay in filing the appeal before Additional Sessions Judge.

In view of this, instant revision petition is dismissed.

Since the main revision petition has been dismissed, CRM No.6855 of 2015 for condonation of delay also stands dismissed.

March 02, 2015
vkd

[Paramjeet Singh]
Judge