

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-30694-2015

Date of Decision: February 24, 2016

Manjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Rajiv Kataria, Advocate, for the petitioner.

Mr. P.S. Paul, DAG, Punjab, for respondent No. 1.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral):

Challenge in the present petition is for quashing of FIR No. 64, dated 26.5.2010, for the offences punishable under Sections 120-B, 420, 467, 468 and 471, registered at Police Station, Ajnala, District Amritsar, and the proceedings emanating therefrom.

Learned counsel contends that after filing of the charge-sheet (challan), learned Sub-Divisional Judicial Magistrate, Ajnala, had framed the charges against the petitioner. He further submits that challenging the said order, a petition under Section 482, Cr.P.C. was presented before this Court and while deciding the said petition, on 24.12.2014, this Court had passed the following order:-

“ Counsel for the petitioner states that the petition may be dismissed as withdrawn with liberty to the petitioner to file a revision petition before the Court of Sessions.

Dismissed as withdrawn with liberty aforesaid. In case, the petitioner files a revision petition within a period of one month from today, the same shall be disposed of by the Court concerned within a period of three months from the date of its filing.”

In pursuance of the above, the petitioner presented a criminal revision petition (Annexure P-8) alongwith an application for condonation of delay (Annexure P-9) before learned Court of Session on 12.2.2015.

It has been contended that learned Additional Sessions Judge, Amritsar, vide order dated 16.7.2015 (Annexure P-10), dismissed the application for condonation of delay, primarily on the ground that this Court, vide its order dated 24.12.2014, had directed the petitioner to file the revision petition within one month of passing of the said order, but the same was filed after a delay of 20 days of passing of the said order and, as such, the petitioner was denied the hearing on merits.

Learned counsel for the State is in unison with learned counsel for the petitioner that learned Court of Session should have condoned the delay and decided the criminal revision petition on merits, in view of peculiar facts and circumstances of

the case.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the petitioner is aged about 90-year at present (as disclosed by learned counsel for the petitioner) and the facts revealed in the petition would enable this Court to set aside the order dated 16.7.2015 (Annexure P-10), passed by learned Additional Sessions Judge, Amritsar, dismissing the application for condonation of delay, and remit the matter to the said Court to decide criminal revision petition on merits after condoning the delay.

The parties to the *lis* shall appear before learned Additional Sessions Judge, Amritsar, on 18.3.2016.

A copy of the present order be sent to all the concerned immediately.

(NARESH KUMAR SANGHI)
JUDGE

February 24, 2016
Pkapoor