

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

Criminal Revision No.2554 of 2014

Date of Decision:-17.3.2016

Radha Krishan

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Surinder Sharma, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Deepak Arora, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Petitioner has filed the present revision petition impugning the order dated 12.5.2014 passed by learned Additional Sessions Judge, Jalandhar, whereby his appeal against the judgment dated 15.1.2011 passed by the Judicial Magistrate 1st Class, Jalandhar, acquitting the respondents No.2 and 3, was dismissed.

Learned counsel for the petitioner contends that

against the judgment dated 15.1.2011 petitioner had filed a Criminal Revision No.4160 of 2012 titled 'Radha Krishan vs. Satpal Gandhi @ Satti and another' and the said revision petition was disposed of by this Court vide order dated 1.3.2013. The petition was relegated to the Sessions Judge/Appellate Court with a direction to file appeal in view of the amended provisions within 30 days from that date. He submits that though the appeal was required to be filed on or before 31.3.2013 but same could be filed on 2.4.2013. He submits that the appeal was filed well within the period prescribed, of course on receipt of certified copy of the judgment.

Learned counsel for respondents No.2 and 3 has argued that the petitioner has filed the incomplete appeal and, therefore, was not entitled to seek condonation of delay and the appeal was rightly dismissed on the ground of limitation.

I have heard learned counsel for the parties.

The revision petition was decided on 1.3.2013 and, thereafter, the petitioner applied certified copy of the order on 2.3.2013, which was ultimately delivered on 7.3.2013 and it is only on receipt of certified copy, he preferred the appeal within a period of 30 days and as the appeal was filed on 2.4.2013.

In this manner, the present petition deserves to be allowed and the appeal preferred by the petitioner before the lower Appellate Court is treated to be filed within a period of

limitation.

Accordingly, the parties are directed to appear before the trial Court on 4.4.2016 and the lower Appellate Court shall decide the appeal on merits.

The petition stands disposed of.

March 17, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE