
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-31800-2015 in/and
CRR-3617-2015 (O&M)
Date of decision: October 17, 2016

Ravi

.... Petitioner...

Versus

State of Haryana

.... Respondent...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. M.S. Kathuria, Advocate for
Mr. Rakesh Nehra, Advocate,
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

JASPAL SINGH, J. (ORAL)

CRM-31800-2015

For the reasons mentioned in the application, delay of 4 days in
filing the present revision petition is condoned.

CRM stands disposed of.

CRM-31799-2015

Allowed as prayed for.

Main case

Challenge in this revision petition is to the judgement and order
dated 03.06.2015 passed by ld. Sessions Judge, Narnaul in CRA No. 61 of
2015 whereby appeal preferred by the petitioner has been dismissed.

2. Undisputably, appeal has not been decided on merits as with
the grounds of appeal, an application under Section 5 of the Limitation Act

for condonation of delay to enable the petitioner to prefer an appeal was filed, which has been dismissed simply on the ground that the petitioner has failed to disclose as to from where and when he came to know that an appeal against the judgment/order can be preferred and further that as per the provisions contained in Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2000, an appeal could have been filed within 30 days of the passing of the impugned judgment of conviction and order of sentence. The ground on which an application for condonation of delay has been declined/dismissed does not appear to be justified. Moreover, the petitioner was a juvenile on the date of his conviction and sentence passed by the Juvenile Justice Board. Merely, on the technicalities with regard to the condonation of delay, appeal has not been decided on merits. Rather, it has been declined to be entertained just on account of dismissal of an application moved under Section 5 of the Limitation Act. Apparently, the impugned order is not legally justified and the petition should have been heard and decided on merits.

3. Without commenting much on the impugned order dated 03.06.2015 and keeping in view the fact that matter should have been decided on merits to impart justice to the parties. Accordingly, impugned order dated 03.06.2015 passed by the Id. Sessions Judge, Narnaul is set aside by way of acceptance of instant appeal. Consequently, application for condonation of delay moved under Section 5 of the Limitation Act by the present petitioner before the Id. Sessions Judge stands allowed. The matter is remitted back to the Id. Sessions Judge, Narnaul with direction to decide the matter afresh within a period of six months.

CRR-3617-2015 (O&M)

[3]

4. Parties are directed to appear before the 1d. Sessions Judge, Narnaul on 15.11.2016.

October 17, 2016

sonika

(JASPAL SINGH)

JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No