

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-23492-2016 in/and
CRR-2715-2016
DECIDED ON: August 08, 2016

BIKRAMJIT SINGH

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amardeep Singh Mann, Advocate,
for the petitioner.

JASPAL SINGH, J.

CRM-23492-2016

This is an application moved under Section 5 of the Limitation Act by Bikramjit Singh-applicant seeking condonation of delay of 257 days in filing the accompanying revision petition.

2. The submissions made by learned counsel for the applicant-petitioner are that the application under Section 319 Cr.P.C. filed by the applicant was dismissed by Id. Additional Sessions Judge, Patiala vide order dated 18.08.2015 but the applicant-petitioner could not file the revision petition within the prescribed period of limitation due to the reason that an application moved by him under Section 311 Cr.P.C. was declined by the trial court. Applicant-petitioner had to file CRR No.1966-2015 for challenging the said order. It was only after the disposal of said petition vide order dated 28.05.2016, instant petition was filed challenging the order dated 18.08.2015 whereby the application under Section 319 Cr.P.C. was declined.

3. Learned counsel for the applicant-petitioner further submits that the delay in filing the revision petition is neither intentional nor wilful.

4. This Court has given a deep thought to the submissions made by learned counsel for the applicant-petitioner but find the same to be without any legal and factual substance. In fact, the dismissal of application moved under Section 311 Cr.P.C. seeking permission to adduce additional evidence has nothing to do with the impugned order, vide which, application moved under Section 319 Cr.P.C. seeking summoning of respondents No. 2 and 3 as an additional accused to stand trial along with their co-accused was disposed of. Both the applications moved under Section 311 Cr.P.C. as well as 319 Cr.P.C. are independent. The filing of revision petition challenging the order passed by Id. Additional Sessions Judge, Patiala while disposing of application under Section 311 Cr.P.C. is no ground for non-filing of a petition within prescribed period of limitation to challenge the impugned order dated 18.08.2015.

5. This Court does not find any ground for condoning an inordinate delay of 257 days in filing the revision petition. In fact, there is no explanation what to talk of any plausible one for condonation of delay. Thus, finding no merit in the instant application, it stands dismissed.

Main case

Consequent upon the dismissal of application for condonation of delay, revision petition bearing CRR-2715-2016 also stands dismissed.

August 08, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No