

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Revision No.4239 of 2015 (O&M)

.....

Date of decision:21.10.2016

Raja Ram

...Petitioner

v.

State of Haryana and others

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Raman Chawla, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. against the impugned judgment dated 18.9.2015 passed by learned Additional Sessions Judge, Hisar, dismissing the appeal filed against the order dated 7.9.2010 passed by learned Additional Chief Judicial Magistrate, Hisar, whereby the learned Judge has released the respondents/accused on probation.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Raja Ram filed complaint against Ishwar Singh, Sub Inspector and Om Parkash, Head Constable.

The brief facts of the complaint as noted down by the learned Additional Chief Judicial Magistrate, Hisar, in the order dated 4.9.2010 are

as under:-

“The brief facts of the present complaint are that the complainant is the resident of village Payal Tehsil and District Hisar and is a peace loving person. On 6.7.2003 at 10.00 p.m. the complainant was sleeping in his house. Ishwar Singh Sub Inspector and Om Parkash Head Constable along with eight police officials came there and entered into his house. These police officials came in a Govt. vehicle. They were not accompanied by chowkidar or Panch or sarpanch of the village. They woke him up suddenly and starting beating him with dandas. They started abusing him. His wife and his daughters tried to save him but they abused them also. They made him sit in a jeep and confined him in Police Station Sadar, Hisar. The complainant was challaned under Section 107/151 Cr.P.C. wrongly and he was bailed out. After that he was got medically examined in Civil Hospital, Hisar on 8.7.2003. He met SP and DC, Hisar. They assured him to take an action against the above named accused but in vain. Hence, the present complaint.”

The learned trial Court after convicting the accused released them on probation.

Aggrieved from this order an appeal was filed before the learned Additional Sessions Judge, who vide judgment dated 18.9.2015 dismissed the appeal by holding it as time barred. It is held in the judgment

that vide the impugned judgment dated 4.9.2010 the accused have been convicted and order of sentence was passed on 7.9.2010 while the appeal had been filed on 10.8.2011 beyond the period of limitation. The learned Additional Additional Sessions Judge held that besides no application for condonation of delay has been filed.

After going through the record and the impugned order passed by the learned Additional Sessions Judge, I find that on the face of it the appeal is time barred, but no application has been filed for condonation of delay along with the appeal. As there is no application for condonation of delay, it means that there is no explanation regarding the long delay of about 11 months and there is no written prayer for condonation of delay. The impugned judgment passed by the learned Additional Sessions Judge is correct as per law. No illegality has been committed by the Court below.

Therefore, finding no merit in the present criminal revision, the same is dismissed.

October 21, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No