

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

**CRR No.4370 of 2015 (O&M)
Date of Decision: August 09, 2016**

Jitender and others

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amarjit SinghVirk, Advocate
for the petitioners.

Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Jitender, Ashish and Jai Deep under Section 401 Cr.P.C. against respondent State of Haryana, challenging the impugned judgment dated 08.09.2015 vide which appeal filed by the petitioners against the judgment passed by learned Principal Magistrate, Juvenile Justice Board, Sonapat, was dismissed being time barred.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that learned Principal Magistrate,

Juvenile Justice Board, Sonapat, convicted and sentenced the petitioners under Sections 323, 324 and 325 IPC. An appeal was filed by the petitioners before the Sessions Court and learned Addl. Sessions Judge, Sonapat, dismissed the appeal being time barred vide judgment dated 08.09.2015.

Aggrieved from the above-said judgment dated 08.09.2015, present revision petition has been filed.

First of all, I find that the delay in filing the appeal is not a long delay and it is stated to be of 90 days. The petitioners are minors and their guardians are illiterate persons and have no knowledge of the worldly affairs. It is also the plea taken by the petitioners that they have been misguided by the previous counsel.

It is settled law that law regarding condoning the delay is liberal. The day-to-day delay is not to be explained. There is nothing on the record to show that by filing the appeal late, the petitioners are going to be benefitted. There is nothing on the record that this is an intentional delay. There is also nothing to show that appellants are grossly negligent and slept over their right for filing the appeal. Otherwise also, it is settled law that the rights of the parties should be decided on merits as far as possible and the Court should not go into the technicalities of law.

In the present case, sufficient explanation has been given by the petitioners, who are juveniles/minors and their appeal is required to be decided on merits.

In view of the above discussion, I find that the judgment dated 08.09.2015 passed by learned Addl. Sessions Judge, Sonapat, is not as per

law and the same is set aside. Therefore, finding merit in the present

revision petition, the same is allowed. The delay of 90 days in filing the appeal before Sessions Court is condoned.

The matter is remanded back to learned Addl. Sessions Judge, Sonapat to decide the appeal on merits as per law. The parties are directed to appear before learned lower Appellate Court on 07.09.2016.

August 09, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No