

**CRM-28088-2016 in/and
CRR-3229-2016 (O & M)**

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

**CRM-28088-2016 in/and
CRR-3229-2016 (O & M)
Date of Decision: 09.09.2016**

Satnam Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. M.S.Virdi, Advocate,
for the petitioner.

INDERJIT SINGH, J.

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This is an application under Section 5 of the Limitation Act for condonation of delay of 4790 days in filing the accompanying revision petition.

It is mainly stated in the application that applicant is filing the present application along with accompanying revision petition which is likely to succeed on the grounds mentioned therein. It is further stated that during the pendency of appeal before the lower Appellate Court, the applicant had to go to Italy to earn his livelihood under compelling circumstances and appeal qua the applicant-petitioner was dismissed in his absence. The applicant fall ill in Italy and remained under treatment for a

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applicant came to India, he came to know that his appeal has been dismissed. Thereafter, the applicant applied for certified copy of the judgment dated 26.04.2003 and preferred the accompanying revision and before that he voluntarily surrendered before the police on 26.08.2016. It is also stated in the application that delay of 4790 days in filing the accompanying revision is not intentional as the applicant remained ill for a long time in Italy.

I have heard learned counsel for the applicant and perused the record.

From the record, I find that the present applicant had himself filed appeal against the judgment dated 10.07.2000 passed by learned Chief Judicial Magistrate, Kapurthala, before the lower Appellate Court, on 25.07.2000. During the pendency of appeal, the applicant absented from the court proceedings and went to Italy. There is nothing in the application as to whether the applicant had gone to Italy after taking permission from the concerned court. The revision petition has been filed after a delay of more than 13 years of passing of judgment by the lower Appellate Court. The appeal was decided on 26.04.2003 and the revision petition has been filed on 05.09.2016. There is no cogent reason or explanation for condonation of delay of such a long period. The applicant had gone abroad without seeking any permission of the concerned court and misused the process of court. The applicant was himself gross negligent in availing the remedy and his conduct itself shows that no ground is made out for condoning the delay of such a long period.

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In view of the above discussion, I do not find any merit to condone the delay and, therefore, the application under Section 5 of the Limitation Act for condonation of delay of 4790 days in filing the revision petition is dismissed.

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As the application for condonation of delay has already been dismissed, consequently the present revision petition also stands dismissed.

09.09.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

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