

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. 820 of 2016 in/and
CRR No. 97 of 2016 (O&M)
Date of decision: January 12, 2016

Bagicha Singh

.... Petitioner..

Versus

State of Punjab

.... Respondent..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Nitish Singhi, Advocate,
for the petitioner.

Jaspal Singh, J. (Oral)

CRM No. 820 of 2016

Through this application, applicant has sought condonation of delay of 421 days in filing the Criminal Revision No. 97 of 2016, captioned as ***“Bagicha Singh vs. State of Punjab”***.

2. It has been *inter alia* contended by learned counsel for the applicant that by filing the appeal before the Id. Additional Sessions Judge, Patiala challenging the order of his conviction and sentence under Sections 279 and 304-A IPC pertaining to the FIR No.23, dated 30.03.2012, applicant was under a bonafide impression that the counsel engaged by him will inform him about the position of the appeal and he had also told him that he will inform the date or order, if any, on which his appearance would be required but learned counsel did not inform the applicant about his non-appearance or dismissal of the appeal. Applicant

only came to know about the dismissal of the appeal, when he was arrested in the month of October 2015. Thereafter, he got collected the record of his case from his counsel through one of his relatives and then preferred a criminal revision petition with instant application for condonation of delay. The delay is neither intentional nor willful but has been occurred due to the reasons explained in the application.

3. This Court has given a deep thought to the aforesaid submission but find the same to be of without any substance.

4. There is a delay of 421 days in filing the criminal revision petition. A perusal of impugned judgment dated July 31, 2014 transpires that after the filing of the appeal neither the present applicant nor his counsel appeared on five consecutive dates and it was only due to the said reason, the appeal was disposed of by the Id. Additional Sessions Judge, after considering the grounds of appeal and trial court's record.

5. Here, it would be pertinent to mention that an explanation furnished by the applicant for condonation of delay is misconceived. It is generally seen that before the first lower appellate court, even after the admission of the appeal, appellant appears in person on each and every date fixed therein but in the case in hand, applicant did not opt to appear on five consecutive dates, which necessitated the disposal of the appeal by the Id. trial court in his absence. Even his counsel also did not opt to appear and to make any request to the Court. Thus, the explanation furnished by the applicant does not carry any weight. Rather, it can be said that the same is no explanation to be made a ground for the condonation of an inordinate delay of 421 days.

6. In the light of what has been discussed above, this Court does not find any merit. As such, the same is dismissed.

Main case

Consequent to the dismissal of the application for condonation of delay, Criminal Revision No. 97 of 2016 also stands dismissed.

January 12, 2016
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(JASPAL SINGH)
JUDGE