

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

**CRM No.M-29136 of 2014 (O&M)
Decided on: 31.07.2017**

Kanwaljit Singh Sandhu

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Randeep S. Khaira, AAG, Punjab.

Mr. Nandan Jindal, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

The present petition has been filed seeking quashing of criminal complaint No.64 dated 01.09.2010 (Annexure P1), charge and order dated 20.11.2012 (Annexures P2 and P3) whereby the application for discharge filed by the petitioner has been dismissed by Sub-Divisional Judicial Magistrate, Dhuri and order dated 31.07.2014 (Annexure P4) passed by the Additional Sessions Judge, Sangrur whereby application filed under Section 5 of the Limitation Act for condoning delay in filing the revision has been dismissed.

Counsel for the petitioner restrict his argument to challenge the order dated 31.07.2014 vide which the Additional Sessions Judge, Sangrur dismissed his revision petition only on the ground of delay of six months in filing the revision has not been explained.

Brief facts of the case are that a criminal complaint under

Section 138 of the Negotiable Instruments Act has been filed by the respondent/complainant against the petitioner and the petitioner had filed an application for discharge which was dismissed by the trial Court vide order dated 20.11.2012.

Aggrieved against the same, the petitioner filed CMA No.41 of 08.08.2013 along with application under Section 5 of the Limitation Act for condoning the delay before the Additional Sessions Judge, Sangrur.

In the present case, notice of motion was issued on 28.08.2014 and later on, further proceedings before the trial Court were stayed vide order dated 18.02.2015. It is argued on behalf of the petitioner that the petitioner had filed an application for condoning the delay of six months along with duly supported affidavit. However, the learned Revisional Court while deciding issue No.1 has wrongly held that there are no sufficient grounds to condone the delay. It is argued that the petitioner had also submitted an affidavit (Ex.AW1/1) explaining that his brother was under spinal treatment and he was busy in taking care of his brother and therefore, he prays that delay in filing the revision petition may be condoned.

Learned counsel for the respondents opposed the prayer of counsel for the petitioner on the ground that no medical record was produced in support of the application.

Having heard learned counsel for the parties, I find that delay of six months in filing the revision petition though has not been properly explained. Yet considering the fact that the petitioner is pursuing his remedy and in view of the fact that the petition is pending

before this Court for the last three years and proceedings before the trial Court has already been stayed, it would be appropriate if the delay of six months in filing the revision petition before the Additional Sessions Judge, Sangrur is condoned and the matter be remitted back to the trial Court for deciding the same on merits.

Accordingly, the present petition is allowed subject to payment of costs of Rs.15,000/- to be deposited before the concerned District Legal Services Authority. The parties are directed to appear before the Revisional Court on 18.08.2017.

(ARVIND SINGH SANGWAN)
JUDGE

31.07.2017
yakub

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