

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

**CRR No.2733 of 2017 (O&M)
Date of decision : October 07, 2017**

Harbans Singh

..... Petitioner

Versus

The State of U.T. Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Saransh Sabharwal, Advocate for the petitioner.

Mr. Amit Kumar Goyal, APP, U.T., Chandigarh.

Mr. Atul Kaushik, Advocate for respondent No.2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

It comes out that the petitioner filed an appeal against the conviction and sentence for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 with a delay of 285 days before the first appellate Court. The learned Addl. Sessions Judge, Chandigarh, vide impugned judgment dated 04.07.2017 dismissed the same by refusing to condone the delay.

Today, learned counsel for the complainant as well as learned counsel for the petitioner have stated that the delay may be condoned and the appeal filed by the petitioner should be heard and decided on merits.

In view of the concession given by learned counsel for the complainant, delay of 285 days in filing the appeal before the first appellate court is condoned. Consequently, the impugned judgment dated 04.07.2017

passed by learned Addl. Sessions Judge, Chandigarh, is hereby set aside and

he/she is directed to hear the appeal of the petitioner and decide the same on merits. The parties through their counsel are directed to appear before the learned Addl. Sessions Judge, Chandigarh on 31.10.2017 at 10.00 a.m. As such, the present revision petition is allowed.

Pending the disposal of the appeal before the first appellate court, the sentence of the petitioner is hereby suspended and he is ordered to be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of first appellate court.

(KULDIP SINGH)
JUDGE

October 07, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No