

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

CRR-4391-2016

Date of decision: - 11.01.2018

Sweety

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anshuman Dalal, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. A.G., Haryana.

Mr. Rajesh Hooda, Advocate
for respondents No.2, 3 and 4.

MAHABIR SINGH SINDHU, J. (ORAL)

Present revision petition has been filed under Section 401 Cr.P.C. for setting aside of order dated 26.07.2016, passed by learned Additional Sessions Judge, Rohtak as well as impugned judgment dated 01.02.2016, passed by learned Sub-Divisional Magistrate, Meham.

It is contended by learned counsel for the petitioner that the appeal against the judgment dated 01.02.2016, passed by learned Sub-Divisional Judicial Magistrate, Meham, preferred by the petitioner, was dismissed only on the ground of limitation as the same was filed after a delay of 27 days. It is further contended that the first appellate Court has

adopted a very technical approach, as there were sufficient causes for condonation of delay in view of the fact that the matter was pursued by State before the learned trial Court and therefore she was not aware about the judgment dated 01.02.2016, passed by the learned trial Court.

On the other hand learned counsel for respondent Nos.2 to 4 opposed the prayer vehemently.

I have gone through the impugned order passed by learned Additional Sessions Judge, Rohtak, which clearly shows that the appeal of the petitioner has been dismissed only on the ground of delay and there is no other reason assigned. Moreover, law is well settled that the Court should adopt the practical approach and not the hyper-technical approach while condoning the delay in such matters. Thus, it was a fit case where the delay in filing the appeal ought to have been condoned.

In view of above, the present revision petition is allowed and the impugned order dated 26.07.2016, passed by learned Additional Sessions Judge, Rohtak, is set aside with a direction to to decide the appeal of the petitioner on merits, in accordance with law.

Both the parties are directed to appear before the learned first Appellate Court on 22.02.2018 for further proceedings.

(MAHABIR SINGH SINDHU)
JUDGE

January 11, 2018
naresh.k

Whether reportable?	No
Whether reasoned/speaking?	Yes