

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 1129 of 2018 (O&M)

Date of decision : 23.3.2018

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Ashok Bohra

.....Petitioner

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Nupur Chaudhary, Advocate
for the petitioner.

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H. S. Madaan, J.

By way of filing the present revision petition, petitioner Ashok Bohra, who has been summoned as an additional accused by Additional Sessions Judge, Narnaul, vide order dated 25.8.2017, has challenged that order.

The revision petition is clearly time barred. An application under Section 5 of the Limitation Act, for condonation of delay in filing the revision petition has been moved for the reason that the time was consumed in making enquiries, providing documents to the counsel and getting some documents translated, resulting in delay of 105 days. This is hardly a justifiable reason for warranting

condonation of delay. The petitioner should have been vigilant enough to challenge the order within the period of limitation and the gross delay of 105 days cannot be condoned for such like reasons. Therefore, the revision petition is doomed for failure on the ground of being time barred.

However, on merits also, the petitioner does not have any case. In the FIR itself, name of the accused is specifically mentioned. Though he was not challaned by the police, but PW-1 Geeta Devi injured, while getting her statement recorded in the Court has also named Ashok Bohra, as a culprit. Thereafter, an application under Section 319 Cr.P.C, was filed for summoning of Mayank s/o Ashwani and Ashok Bohra s/o Gobind as additional accused. The trial Court, keeping in view the law laid down by the Apex Court in **Hardeep Singh vs. State of Punjab 2014 (1) RCR (Criminal) 623**, considering the material available on record, recorded the satisfaction that there exists more than prima facie case against the said two persons, thereby allowing the application, directing Mayank s/o Ashwani and Ashok Bohra, present petitioner, be summoned as an additional accused. There is no illegality or infirmity in the said order, which might have called for interference by this Court, while exercising the revisional jurisdiction. Therefore, the revision petition being without any merit stands dismissed.

(H.S. Madaan)
Judge

23.3.2018
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No