

251

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

**CRR No.4531 of 2017 (O&M)
Date of Decision: 14.02.2018**

Lehmber Ram

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Dharam Pal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, A.A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.5236 of 2018:

No grounds are made out to stay proceedings in the Ld.
Appellate Court, since the main matter itself is fixed today.

Dismissed.

CRR No.4531 of 2017:

In this revisional petition, the petitioner has challenged the
impugned order passed by the Ld. Sessions Judge, Ropar, on 13.11.2017 in
Criminal Miscellaneous No.199, dated 18.09.2017.

2. The petitioner's application for condonation of delay of 221 days in filing his appeal against conviction was dismissed by the Ld. Sessions Judge.

3. The petitioner has sought to justify the delay by contending that firstly he was not in a fit physical condition, being a patient of brain disorder, and also had family related problems, such as the illness of his wife, who is stated to be a heart patient. The other justification is that the Ld. Trial Court, instead of passing any actual sentence against him, had directed his release on probation, with which he was not substantially aggrieved and, therefore, decided not to challenge the same at that stage.

4. However, the State from its side filed the appeal against the sentence awarded to him, of which notice was served upon the petitioner, after which he had appeared in the Ld. Appellate Court on 15.07.2017.

5. The petitioner, thereafter filed his own cross appeal along with application for condonation of delay on 18.09.2017, while the State's appeal was still pending.

6. In this view of the matter, this Court is of the opinion that this is a fit case for granting the relief sought for by the petitioner, since there is no chance of any unnecessary delay being caused when both the appeals filed by the State and that filed by the petitioner subsequently against the same judgment can be heard and decided together.

7. As such, the impugned order dated 13.11.2017 is set aside, and the petitioner's application for condonation of delay in filing the appeal is directed to be treated as allowed.

8. Let both the appeals now be disposed off by the Ld. Appellate Court after a simultaneous hearing.

9. Ordered accordingly.

14.02.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No