

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 338 of 2018 (O&M)

Date of decision : 30.1.2018

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Ajmer Singh @ Tony and others

.....Petitioners

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. Inderjit Sharma, Advocate for the petitioners

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H. S. Madaan, J.

This revision petition has been filed by petitioners – Ajmer Singh @ Tony, Satnam Singh, Sukhwinder Singh @ Sukh, Karamjit Singh @ Rammi, Jasbir Kaur, Bir Tejender Singh, Jagdish Singh, Amritpal Singh, Nisan Singh and Dilraj Singh, who had been summoned as additional accused by Additional District Judge, Gurdaspur, vide order dated 1.9.2017. The said order has been impugned by the petitioners.

However, the revision petition has not been filed within time and there is a delay of 55 days in filing the revision petition. Though an application under Section 5 of the Limitation Act, has been filed for condonation of delay in filing the revision petition, for the reason that the certified copy of the order obtained, got misplaced

and only photocopy could be found out, therefore delay is not intentional or willful. However, the reason does not seem to be convincing and plausible, as such, since the petitioners have failed to clear the hurdle of limitation, the revision petition is doomed for failure. However, on merits also, petitioners do not have any case.

I have perused the file. In the FIR recorded, the petitioners are named specifically. The present petitioners are stated to be involved in the incident which took place on 10.5.2015 in which complainant Narian Singh, his father Malwinder Singh had been assaulted. Though petitioners had not been challaned but during trial, on an application under section 319 Cr.P.C having been filed, the said application was allowed by the Court, vide impugned order, which is found to be well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law. The latest law on the subject has been kept in view, while passing the order. The trial Court has recorded its satisfaction that more than prima facie case is there against the present petitioners, resultantly, summoning them to face trial. There is no illegality or infirmity, much less apparent on the face of order under challenge. No ground is made out to upset the said order by exercising the revisional jurisdiction.

Accordingly, the revision petition stands dismissed.

(H.S. Madaan)
Judge

30.1.2018

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No