

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

CRR-3557-2018 (O&M)

Date of Decision:-26.10.2018

Dayal Verma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manoj Kumar, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The present revision petition has been filed challenging order dated 5.4.2018 passed by learned Additional Sessions Judge, Jalandhar, whereby an application filed by the prosecution under Section 319 Cr.P.C. had been accepted and the petitioner had been ordered to be summoned to face trial alongwith remaining accused.

The present revision petition has been filed beyond the prescribed period of limitation and an application for condonation of delay of 96 days in filing of the revision petition has been filed.

The reasons for explaining the delay have been explained in para-2 of the application as follows:-

“That there is delay of 96 days in filing the accompanied appeal, which has been caused due to the reason that the petitioner has engaged a lawyer for filing the appeal but he failed to file the same within the stipulated period and all the time he was given false assurances and excuses, the petitioner had no option but to believe upon him, but ultimately returned the documents to the petitioner on dated 13.10.2018.”

A perusal of the aforesaid paragraph shows that a plain and vague averment has been made by the petitioner to the effect that he had engaged a lawyer for filing the appeal but he failed to file the same within the stipulated period and had given false assurance and excuses to the petitioner and ultimately returned the documents to the petitioner and which resulted in delay.

I find that the aforesaid averments are rather vague inasmuch as the name of the counsel is not forthcoming, much less filing of any complaint against the lawyer concerned. It is very convenient for the petitioner to raise such like allegations against a lawyer without naming him. The delay of 96 days, as such, cannot be condoned on the basis of the aforesaid averments. The application for condonation of delay is sans any merit and is hereby dismissed. Consequently, the revision petition is also dismissed.

26.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No