

CRM-M-21592 of 2015

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

CRM-M-21592 of 2015
Date of decision: 03.04.2019

Prem Singh

.....Petitioner

versus

Anand Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. N.C. Kinra, Advocate,
for the petitioner.

Mr. Mohit Aneja, Advocate,
for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C., petitioner has laid challenge to order dated 11.02.2015 (Annexure P-4) of the revisional Court, whereby his revision against order dated 05.07.2010 (Annexure P-1) of the trial Court was dismissed.

Briefly, in response to advertisement of Services Subordinate Board, now Staff Selection Commission (in short the 'Board') to fill up the post of Principal, Senior Secondary School in the State of Haryana, petitioner, in service working as Master, applied for the said post, but was not selected.

Consequently, petitioner laid challenge to the entire selection process, rejecting his candidature before this Court.

Respondent, as Chairman of the said Board, and a political

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figure, being annoyed got registered FIR No.9 dated 10.01.1988 against the petitioner under Sections 353, 506 and 34 IPC at Police Station Meham, in which, after holding trial, vide judgment dated 12.09.1997 petitioner was held guilty under Sections 353 and 506 IPC.

Being aggrieved, petitioner approached, the Appellate Court and got success inasmuch as the Appellate Court, while accepting his appeal, acquitted him vide judgment dated 19.05.2001. Said judgment attained finality as it was not challenged further by the State or the respondent.

Thereafter, petitioner filed a complaint under Sections 499 and 500 IPC on 05.09.2002 against the respondent for defamation and falsely implicating him, which was dismissed even without summoning the respondent vide judgment dated 05.07.2010.

Being aggrieved, petitioner approached the revisional Court, which accepted his appeal vide judgment dated 07.12.2011, directing the trial Court to summon the respondent under Sections 499 and 500 IPC.

Respondent, challenging the said judgment of the revisional Court came before this Court by way of CRR-252 of 2012, which was accepted, thereby remanding the case to the revisional Court to decide the same afresh after considering the point of limitation. Pursuant thereto, revisional Court this time dismissed the complaint of the petitioner vide impugned order dated 11.02.2015 (Annexure P-4).

Learned counsel for the petitioner, taking aid of the judgment in ***Udai Shankar Awasthi v. State of U.P. and another***, 2013(2) R.C.R. (Criminal) 503 *inter alia* contends that pursuant to order of this Court in

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CRR-252 of 2012, the revisional Court was directed to record its satisfaction for not condoning the delay. In the absence of recording any such satisfaction, impugned order is not sustainable in the eyes of law.

On the other hand, learned counsel for the respondent, refuting above submissions, contends that petitioner was required to file an application for condonation of delay, which he never filed. Therefore, no such satisfaction was required to be recorded by the revisional Court.

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition completely devoid of any merit for the reasons to follow.

Admittedly, petitioner never filed any application for condonation of delay in filing his complaint under Sections 499 and 500 IPC. It is only on direction of this Court, the revisional Court discussing the point of limitation and entire facts in detail that FIR was got lodged against the petitioner in the year 1988 and the impugned complaint was filed in the year 2002 i.e. after around 14 years, therefore, same was hopelessly time-barred, dismissed the complaint.

Since, inordinate delay of 14 years is apparent in filing the complaint by the respondent, therefore, recording or non-recording of the word “satisfaction” in compliance to the provisions of Section 473 Cr.P.C. was meaningless inasmuch as the petitioner even never prayed for condonation of delay before the trial Court or revisional Court at any stage nor, as discussed above, moved any application in this respect. Therefore, this Court is not inclined to differ with the findings of the Revisionsl Court.

Facts and circumstances of the judgment relied upon by learned

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counsel for the petitioner are not identical to the facts of the instant case.
Therefore, no benefit of the same can be given to the petitioner.

Dismissed.

April 03, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No