

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 551 of 2020

CRAN 1 of 2020 (Old No. CRAN 725 of 2020)

Md. Salim
Vs.
Sonu Singh

For the Petitioners : Mr. Suman De.

For the Opposite Party : Mr. Debanshu Ghorai

Heard on : 22.12.2020

Judgement on : 22.12.2020

Jay Sengupta, J. :

This is an application challenging a judgment and order dated 30.03.2016 passed by the Additional Sessions Judge, Fast Tract Court-III, Howrah, thereby dismissing the appeal being Criminal Appeal No.56/15 and affirming the order dated 10.04.2015 passed by the learned Judicial Magistrate, 7th Court, Howrah in case No.322C/2008 under Section 138 of the Negotiable Instruments Act. The revisional application is accompanied by an application

under Section 5 of the Limitation Act praying for condonation of delay of 1319 days.

Learned Counsel appearing on behalf of the petitioner submits as follows. The explanation for the delay has been provided at paragraphs 7 and 8 of the application under Section 5 of the Limitation Act. It is the contention of the petitioner that he wanted to compound the offence and hand-over the money, but could not arrange for the same. That is why there was a delay in preferring the application. However, the petitioner could not arrange for the money even as of now.

Learned Counsel appearing on behalf of the complainant/opposite party submits as follows. There is no merit either in the revisional application or in the application for condonation of delay. No cogent reason has been cited for condonation of the huge delay of 1319 days in preferring this revision. The accused did not surrender to suffer the sentence for a long time. Nor did he pay the amount of compensation in question.

I have heard the submissions of the learned Advocates appearing on behalf of the parties and have perused the revision petition and the application under Section 5 of the Limitation Act.

There is hardly any convincing reason, or any reason for that matter, cited in seeking condonation of an inordinate delay of 1319 days, except for a bald averment that the petitioner tried to arrange for money to compound.

Therefore, the petitioner cannot claim that there were no laches and negligence on his part in filing the revision petition after a delay of about 1319

days. He could not show any cogent reason whatsoever that might have prevent him from approaching this Court in time.

In view of the above, I do not find any merit in the application for condonation of delay and hence, the same is dismissed. Consequently, the revisional application also stands dismissed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)