

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-682-2020 (O&M)

Date of decision: 22.06.2020

Sohan Singh

..... Petitioner

Versus

The Mansa Central Co-operative Bank Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. RVS Chugh, Advocate for the petitioner.

Mr. KVS Kang, Advocate for the respondent.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing.

Through this revision, petitioner-Sohan Singh, has laid challenge to judgment of Ist Appellate Court dated 29.07.2017, affirming the judgment of conviction and order of sentence of trial Court dated 23.01.2014, whereby he was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹3000/- and in default thereof, to further undergo rigorous imprisonment for a period of one month. Along with this revision, an application bearing CRM-8284-2020, under Section 5 of the Limitation Act, for condonation of inordinate delay of 847 days in filing the instant revision, has also been filed.

The ground taken in the application is that the impugned

judgment dated 29.07.2017, has been passed by the Ist Appellate Court, in the absence of applicant-petitioner as he was mentally upset and could not enquire about the case from his counsel. However, family members of the petitioner kept on depositing the due amount with the respondent-Bank under One Time Settlement Scheme from 31.05.2018 to 20.06.2019. The applicant-petitioner who was under depression and tension thought that his case must have been closed in terms of settlement with the bank. On 01.02.2020, when police officials arrested him, only then he came to know that impugned judgment dated 29.07.2017, had already been passed against him. Thereafter, the family members of the petitioner approached the counsel and applied for certified copies of judgments of both the Courts below on 18.02.2020 and received the same on 19.02.2020. Thereafter, he filed the present revision on 28.02.2020. Thus, delay of 847 days in filing the instant revision is neither intentional nor deliberate.

Learned counsel for respondent-Bank submits that the petitioner has not cleared the entire dues of bank and filed the instant revision taking false pleas.

Heard.

After giving thoughtful consideration to the rival submissions, this Court finds no merit in the instant application for the reasons to follow:

The above plea of applicant-petitioner qua his mental tension and depression, is apparently incorrect, in the absence of any medical prescription or certificate, in this regard. Be that as it may, by this time it is well settled that a litigant has to be vigilant throughout, till any legal proceeding initiated by him or against him is concluded. Thus, it was bounden duty of applicant-petitioner to remain in touch with his counsel to

pursue his case. No reason has been explained as to why applicant-petitioner did not ever make any effort to ask his counsel about the fate of his case for such a long spell.

It is pertinent to mention here that such type of frivolous/false pleas are taken in routine by every litigant since last 3-4 decades. Much water has already flown. Now the time has come to deprecate and reject such type of frivolous pleas, taken in routine to abuse the process of law. More so, ignorance of law is no excuse.

It is also well settled proposition of law that each day's delay has to be explained in a mathematical manner. In the instant case the plea taken by the applicant is completely vague, false and un-reliable. Therefore, this Court is not inclined to condone inordinate delay of 847 days in filing instant revision, consciously keeping in view the fact that law of limitation cannot be permitted to be circumvented or made obsolete.

Dismissed.

Since, the application for condonation of delay in filing the accompanying revision, is dismissed on merits, therefore, no separate order is required to be passed in the main case and other accompanying applications. The same also stand dismissed.

June 22, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**