

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1853-2019 (O&M)

Date of decision: 14.01.2020

Joginder Kaur

..... Petitioner

Versus

Gurmukh Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. SS Salar, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision, the petitioner-Joginder Kaur, has assailed the order dated 18.02.2019 of Ist Appellate Court, dismissing her appeal against judgment/order dated 08.08.2011 of trial Court, being hopelessly time barred filed with delay of 2558 days i.e. around 8 years.

Briefly, respondent No. 1-Gurmukh Singh along with his father-Balkar Singh, was booked and tried in case FIR No. 187 dated 13.07.2006, under Sections 406 and 420 IPC, Police Station City, Faridkot, on the allegations that her two daughters, namely; Jaswant Kaur and Satinder Kaur, had paid ₹7,50,000/- to respondent No. 1 through one Ravinder Singh, resident of New Delhi, to purchase a house for her at Faridkot, but respondent No. 1, in connivance with other accused, instead of purchasing property in the name of complainant-petitioner, got executed sale deed in favour of his son-Jagmeet Singh and kept on befooling the petitioner on false pretext that he had executed sale deed in her name.

After holding trial, trial Court acquitted respondent No. 1 and

Being aggrieved, petitioner-complainant filed appeal along with an application under Section 5 of the Limitation Act, for condonation of delay of 2558 days, which, after hearing, stood dismissed vide judgment dated 18.02.2019, impugned herein.

Learned counsel for the petitioner *inter alia* contends that petitioner is an 'Non-Resident Indian'. As on date, she is 84 years old. Trial Court never issued any summons to her during trial before acquittal of respondent No. 1. Both the Courts below erred in appreciating that petitioner cannot be made to suffer for the fault of prosecution. The petitioner, on visiting India, came to know about acquittal of respondent No. 1 and immediately filed appeal along with application under Section 5 of the Limitation Act. Lower Appellate Court illegally dismissed the application for condonation of delay, without affording any opportunity to the petitioner to lead evidence.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the reasons to follow:

No question of law much less substantial has been raised in this revision.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmities in the judgments of both the Courts below.

It is well settled proposition of law that each day's delay has to

be explained in a mathematical manner. It is also well settled that a litigant has to pursue his case diligently. In the instant case, after lodging FIR, petitioner left India to earn in Dollars, without caring about the fate of trial/FIR, against respondent No. 1, which continued for around 5 years, inasmuch as, FIR was lodged on 13.07.2006, which after holding trial culminated into acquittal of respondent No. 1, vide judgment dated 08.08.2011. During this span of 5 years, petitioner never cared to know about the proceedings in her complaint.

Even, thereafter for another 7 years, she kept on sleeping in a great slumber and again did not bother to know the fate of her complaint. Thus, in total for around 12-13 years, the petitioner slept in a great slumber. Such a person is not entitled to any relief from the Court.

In view of discussion made above, instant revision, being meritless, is dismissed.

January 14, 2020

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No