

CRR-2535-2018

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

CRR-2535-2018 (O & M)
Date of Decision: 27.02.2020

Shambhu Kumar

... Petitioner

Versus

Lal Chand

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Pranav Chadha, Advocate, legal aid counsel,
(HCLSC) for the petitioner.

Mr. Kulvir Narwal, Advocate,
for respondent.

HARNARESH SINGH GILL, J.

CRM-27051-2018

This is an application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condonation of delay of 361 days in filing the present revision.

Heard.

It is not disputed that the certified copy of the judgment dated 08.09.2017 passed by the learned Additional Sessions Judge, Jhajjar, was supplied to the applicant-petitioner on 15.09.2017. Three complaints under Section 138 of the Negotiable Instruments Act, 1881 were decided, whereas revision petition i.e. CRR-4845-2017 was filed against the conviction/sentence in one complaint only. The applicant-petitioner was in custody and when his family members came to know about the judgment challenged in the present revision petition, the case was marked on 01.08.2018 to

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the learned legal aid counsel. In this manner, the delay of 361 days has occurred which is not intentional on the part of the applicant.

Considering the facts that the applicant was in custody and the case was marked to the legal aid counsel, the delay of 361 days in filing the present revision has occurred. Therefore, the present application is allowed and the delay of 361 days in filing the present revision is condoned.

**CRM-27052-2018 in
CRR-2535-2018**

This is an application under Section 482 read with Sections 427 and 428 Cr.P.C. for concurrent running of sentence awarded in the present case with the sentence awarded in Crl. Case No.33 of 2005, titled as 'Lal Chand vs. Shambhu Kumar'.

Heard.

However, perusal of the sentence orders dated 09.12.2014 would show that the petitioner was sentenced to pay the cheque amount to the complainant within six months and in default of thereof, he was to undergo the simple imprisonment for a period of one year. Since the petitioner has not paid the cheque amount, therefore, he is undergoing the sentence in default thereof.

As the sentence being undergone by the petitioner is in default of payment of fine, I do not find any ground to entertain the present application.

Dismissed.

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Dismissed.

For reasons see order of even date passed in CRR-4845-
2017, titled as '***Shambhu Kumar Vs. Lal Chand and another***'.

27.02.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note: Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No