

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

CRR-3514-2019(O&M)

Date of decision:-18.2.2020

Gurpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.H.S. Gharuan, Advocate
for the petitioner.

H.S. MADAAN, J.

Accused Jarnail Singh and Amandeep Singh faced trial by Judicial Magistrate Ist Class, Rupnagar in case registered vide FIR No.30 dated 19.3.2011 for the offences under Sections 323, 325, 34 IPC registered with Police Station Singh Bhagwantpur and on conclusion thereof vide judgment dated 29.10.2016, both of them were convicted and sentenced for the offences under Sections 323 and 325 IPC.

Feeling aggrieved, the accused had preferred an appeal to the Court of Sessions, which was disposed of by learned Additional Sessions Judge, Rupnagar vide judgment dated 26.7.2017 inasmuch as the

conviction of accused was maintained, however, they were ordered to be released on probation, subject to their furnishing of probation bonds in the sum of Rs.30,000/- with one surety in the like amount for a period of one year, undertaking to keep peace and be of good behaviour and in case of any breach of condition of bond during the said period, to appear in the Court and receive sentence. They were also directed to deposit a sum of Rs.10,000/- each as compensation under Section 357 Cr.P.C. in the trial Court and out of that amount a sum of Rs.5,000/- was ordered to be paid to the complainant Gurdial Singh. It was directed that in case of default of deposit of that amount, the appeal of both the appellants shall be deemed to have been dismissed.

Gurpal Singh injured felt aggrieved by grant of benefit of probation to the accused and has filed the instant revision petition before this Court. It has not been filed within a period of limitation and rather belatedly by 871 days. An application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condonation of such delay has been moved for the reason that though the revision petition was filed well within period of limitation but registry raised certain objections. The revision petition was put in the brief, which was not told by the Clerk of the counsel and came to know to his notice only when the petitioner contacted his counsel to know the status of his case on 5.8.2019. By that time delay of 871 days has been caused.

I have heard learned counsel for the petitioner besides going through the record.

Section 3 of the Limitation Act, 1963 deals with Bar of

Limitation providing that every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence.

Section 5 of that very act provides that any appeal or any application may be admitted after the prescribed period if the applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period. Here though the petitioner has moved such application but no satisfactory or plausible explanation has been given. Therefore, I do not see any reason to accept the application and to condone the delay of 871 days in filing the revision petition.

The revision petition being time barred stands dismissed.

18.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No