

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

CRR-1031-2014(O&M)

Date of decision:-18.2.2020

Lakhbir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Mr.R.S. Sidhu, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J.

Briefly stated, the facts of the case are that Satnam Singh @ Satta, an accused in FIR No.147 dated 21.5.2005 for the offences under Sections 279 and 338 IPC, Police Station City, Tarn Taran was tried by Additional Chief Judicial Magistrate, Tarn Taran and vide judgment dated 16.12.2011, he was convicted and sentenced for the offences under Sections 279 and 337 IPC. He preferred an appeal before the Court of Sessions, which was assigned to Additional Sessions Judge, Tarn Taran, who vide judgment dated 22.5.2012 accepted the same, set aside the

judgment of conviction and order of sentence and acquitted the accused of the charge framed against him.

Feeling aggrieved, the complainant has approached this Court by way of filing the instant revision petition. It has not been filed within a period of limitation and rather belatedly by 582 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 contending therein that the complainant was residing outside India and his father Jagir Singh was his special power of attorney holder, who used to appear in the Court on his behalf; that after some time father of petitioner met with an accident and was bedridden for several months. Therefore, the revision petition could not be filed within time, resulting in delay of 582 days.

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 582

days in filing the revision petition. As per the case of the revisionist only his father was hospitalized but he himself could have filed the revision petition in the Court.

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