

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

CRM-M-47908-2021

Date of decision-16.11.2021

Surjit Singh

...Petitioner

Vs.

Amar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Kumar, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

This petition has been filed under Section 482 Cr.P.C seeking quashing of the order dated 18.01.2021 passed by learned Additional Sessions Judge, Fatehgarh Sahib, whereby revision petition filed by the petitioner was dismissed on the ground of delay.

Learned counsel has argued that during trial, complainant had moved an application under Section 319 Cr.P.C for summoning additional accused, which was dismissed by the trial Court vide order dated 27.08.2019 (Annexure P-2). He submits that aggrieved against the said decision, complainant filed revision before the Additional Session Judge, Fatehgarh Sahib with a delay of 66 days and the prayer for condonation of delay was declined and consequently, the revision petition was also dismissed without considering the merits.

According to learned counsel, the certified copy of the

order passed by the trial Court was misplaced in the office of the counsel representing the petitioner, therefore, this had caused the delay of 66 days in filing the revision. He submits that in case the petition is allowed and the revision petition is decided on merits, no prejudice would be caused to the accused.

After hearing learned counsel for the parties, this Court is of the opinion that the explanation offered by the petitioner for delay in filing the revision petition seems to be sufficient and the revisional Court has erroneously dismissed the revision on delay and by adopting a narrow approach.

Resultantly, the impugned order dated 18.01.2021 is set aside and delay in filing the revision petition is condoned. Further, it is ordered that the revisional Court shall decide the revision petition on merits after hearing the complainant.

Petition is allowed.

(MANOJ BAJAJ)
JUDGE

16.11.2021

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No