

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

Sr.No.108

CRR No.564 of 2021 (O&M)

Date of Decision: 09.08.2021

Aman Saddi

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ajit Singh Sodhi, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein assails the order handed down by learned Additional Sessions Judge, Ferozepur on 16.12.2019 whereby the criminal revision, as preferred by him (petitioner) against the order dated 30.03.2013 passed by learned trial Court to summon him to face the trial as an accused in the criminal case pertaining to FIR bearing No.57 dated 28.05.2011 registered at Police Station Makhu, under Sections 304-A, 279, 337, 338, 427 IPC, has been dismissed while declining to condone the delay in filing the same.

As per the brief factual-matrix culminating in the filing of the instant revision petition, vide the said order dated 30.03.2013 passed by learned trial Court, the petitioner was summoned to face trial in the criminal case arising out of the subject FIR. He filed a petition bearing

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CRM-M No.24405 of 2013 before this Court for seeking the quashing of the said order but vide order dated 21.01.2019, the same was dismissed as having been withdrawn with liberty to file the revision petition. Thereafter, the petitioner moved a criminal revision petition before the Sessions Court along-with an application under Section 5 of the Limitation Act for seeking condonation of the delay in filing the same and this application has been dismissed vide the impugned order resulting in the consequential dismissal of the said Criminal Revision Petition as well.

I have heard learned counsel for the revisionist-petitioner in the present petition at the preliminary stage and have also perused the file thoroughly.

Learned counsel for the petitioner refers to Annexure P-4, i.e. the copy of the order dated 21.01.2019 passed in CRM-M No.24405 of 2013 whereby this petition had been dismissed as withdrawn with liberty to file the revision petition and he contends that in view of the above-discussed liberty granted by this Court, the period of the interregnum from the date of the order sought to be quashed, i.e. 30.03.2013 till the date when order Annexure P-4 was passed, i.e. 21.01.2019, should not have been taken into consideration by the Revisional Court while calculating the prescribed period of limitation and hence, the impugned order deserves to be set-aside/quashed.

However, I do not find this contention to be tenable because from the bare perusal of the order Annexure P-4, it becomes explicit that

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while granting the said liberty to the petitioner, it has nowhere been mentioned therein that such liberty is intended to be construed so as to exclude the above-said period of interregnum while computing the prescribed period of limitation for filing the said revision petition. Even if, for the sake of arguments, the same is taken to have been so intended, even then, the fact remains that the petitioner preferred the said criminal revision petition before the Court below on 25.09.2019, i.e. about eight months after the said order (Annexure P-4) was passed by this Court on 21.01.2019, i.e. much after the lapse of the prescribed period of limitation and the petitioner has not been able to come forward with any fair, candid and plausible explanation for the said delay.

To cap it all, the present revision petition has been moved to assail the order passed in the afore-said criminal revision petition as preferred by the petitioner before the Sessions Court and it being so, it is not maintainable in view of the provisions as contained in Section 397(3) Cr.P.C. which bars the filing of the revision petition by the same person in such like eventuality.

As a sequel to the foregoing discussion, it follows that the revision petition in hand deserves dismissal. Resultantly, the same stands dismissed accordingly.

09.08.2021
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No