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

**CRR-954-2021 (O&M)
Date of Decision: 08.09.2021**

Bhupinder Singh

.. Petitioner

Vs.

Nirmal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Dhivya Jerath, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this revision petition to challenge the Appellate Court judgment dated 28.05.2019 passed in Criminal Appeal No.109/2018, whereby judgment of conviction and order of sentence dated 01.09.2018 passed by JMIC, Shaheed Bhagat Singh Nagar in complaint case No. NACT-21/2016 was upheld and the sentence of rigorous imprisonment for one year and a fine of Rs.1,000/- was also maintained.

During the course of hearing, it is not disputed by the learned counsel that at the time of decision of the criminal appeal, the convict was not present before the Appellate Court, therefore, he was not taken in custody. She fairly states that the petitioner has not surrendered so far pursuant to the impugned judgment to serve the sentence. It may be noticed here that during the pendency of the appeal, an attempt was made by the parties to settle the dispute through the Mediation and Conciliation Centre and as per the written settlement, the convict had agreed to pay lump sum amount of Rs.7 lacs to the respondent against his liability and undertook to clear the debt by way of two equal instalments, to be paid on 18.05.2019

and 14.06.2019 respectively. However, instead of doing the needful, the appellant abandoned his appeal and absconded, therefore, this Court does not find it to be a fit case for exercise of revisional jurisdiction.

Apart from the above conduct of the petitioner, the present petition has been filed after a long delay of 203 days and as per the contents of application under Section 5 Limitation Act, 1963, the file of this case was misplaced by Gaurav Ratti, Clerk of the counsel during the shifting of the office, however, no affidavit of the Clerk in support of the said ground has been filed, therefore, the explanation offered for delay in filing the revision is also not worth acceptance.

Resultantly, the revision petition fails and is dismissed.

08.09.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No