

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

CRR-3517-2019 (O&M)

Date of Decision: 19th May, 2022

Ganpat Rai and others

... Petitioners

Versus

Sukhwinder Singh Patwari and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Ranjit Saini, Advocate for the petitioners.

AVNEESH JHINGAN, J.(Oral)

1. This revision petition is filed seeking enhancement of sentence awarded to the respondents in case of FIR No. 3, dated 10.1.2008 registered under Section 416/420/467/468/471/120-B IPC and Section 13(1) (d) read with Section 13 (2) of Prevention of Corruption Act, 1988 at P.S. Vigilance Bureau, Patiala.

2. The respondents were convicted vide judgment dated 4th August, 2017, under Sections 419, 420, 467, 468, 471, 120-B, IPC (respondent No.1 was also held guilty for the commission of offence under Section 13(2) read with Section 13 (1) (d) of the Prevention of Corruption Act, 1988).

3. The revision petition is accompanied with application for condonation of delay of 754 days. The only ground taken for condonation of delay is that the petitioners are laymen and have now sought a legal advice thereafter filed the revision.

4. The Supreme Court in **Oriental Aroma Chemical Industries Ltd.**

Vs. Gujarat Industrial Development Corporation and another, 2010 (5)

SCC 459, held as under :-

“8. We have considered the respective submissions. The law of limitation is founded on public policy. The legislature does not prescribe limitation with the object of destroying the rights of the parties but to ensure that they do not resort to dilatory tactics and seek remedy without delay. The idea is that every legal remedy must be kept alive for a period fixed by the legislature. To put it differently, the law of limitation prescribes a period within which legal remedy can be availed for redress of the legal injury. At the same time, the courts are bestowed with the power to condone the delay, if sufficient cause is shown for not availing the remedy within the stipulated time. The expression "sufficient cause" employed in Section 5 of the Indian Limitation Act, 1963 and similar other statutes is elastic enough to enable the courts to apply the law in a meaningful manner which sub serves the ends of justice. Although, no hard and fast rule can be laid down in dealing with the applications for condonation of delay, this Court has justifiably advocated adoption of a liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate.”

5. The Supreme Court held that for condoning delay of short period liberal view is to be taken and strict approach is to be adopted in case of inordinate delay.

6. In case of **Amalendu Kumar Bera and others Versus The State of West Bengal 2013 (2) RCR (Civil) 534**, the Supreme Court has held that the delay in filing the appeal or revision cannot be mechanically considered and in the absence of 'sufficient cause' delay shall not be condoned. In case of serious negligence, the delay should not be condoned.

7. In **P.K. Ramachandran v. State of Kerala & Anr., 1997(4) R.C.R.(Civil) 242 : AIR 1998 SC 2276**, the Supreme Court while considering a case of condonation of delay of 565 days, wherein no explanation much less a reasonable or satisfactory explanation for condonation of delay had been given, held as under :-

"Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the Courts have no power to extend the period of limitation on equitable grounds."

8. The explanation putforth for condonation of delay is not worth acceptance. It is not disputed that the applicants gained knowledge of the conviction as they were present at the time of the conviction. There is another aspect to be considered that if the applicants were present at the time of the passing of the judgment of conviction they were in touch with their counsel.

9. There are no details given that after gaining knowledge when effective steps were taken by petitioners for availing remedies.

10. In absence of any reasonable explanation, no case is made out for condoning the delay of 754 days, the application is dismissed.

11. Resultantly, the revision petition is also dismissed as time barred.

(AVNEESH JHINGAN)
JUDGE

19th May, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No