

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

Sr. No. **109**

**CRM-1190-2023 in/and
CRR-112 of 2023 (O&M)
Date of Decision : January 20, 2023**

Joginder Masih

...Petitioner

Versus

Manu Sood

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Suneet Singh Deol, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner was convicted in a complaint under Section 138 of the Negotiable Instruments Act, 1881 vide judgment of conviction dated 14.12.2010. He was sentenced to undergo simple imprisonment for a period of one and a half years and to pay a fine of Rs.1500/- in default of payment of which, to further undergo simple imprisonment for two days. A delayed appeal was filed. Notice was issued in the application for condonation of delay but the same was dismissed in default vide order dated 26.10.2013 passed by the then Addl. Sessions Judge, Amritsar. An application for restoration was also dismissed. Thus, present revision petition has been filed with a delay of 2550 days. Meanwhile, the petitioner has been arrested on 25.07.2022.

Learned counsel for the petitioner submits that an appeal should never be dismissed in default as has been held by the Supreme Court in *State of Orissa vs. Surendra Munda, 2020 (4) RCR (Criminal) 286*.

Delay of 255 days is sought to be explained on the ground of counsel having not informed him.

There is no dispute regarding the proposition laid down in *Surendra Munda (supra)*, however, in this case, the revision petition has been filed after a delay of almost seven years. The explanation given is that the learned counsel before the Appellate Court did not inform the petitioner about the appeal having been dismissed in default. The explanation cannot be accepted. A litigant is expected to keep abreast of the case filed by him. If the counsel had not informed him, he was expected to have contacted the counsel to know the progress/status thereof. Having not done so, the inordinate delay cannot be condoned.

It may also be noticed that the petitioner has evaded the law for more than six years as is evident from the date of his arrest. Such a person does not deserve any relief at the hands of this Court.

The application for condonation of delay is dismissed.

Since, the application for condonation of delay is dismissed, therefore, the revision petition as well as pending miscellaneous application also stand dismissed.

January 20, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

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