

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

**CRR 2627 of 2004 (O&M)
Reserved on:24.11.2022
Date of Decision:31.01.2023**

Balwinder Singh	Versus	...Petitioner.
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Manjit Singh Uppal, Advocate
for the petitioner.

Mr. Vinod Ghai, Advocate General, Punjab with
Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J.

The petitioner has filed the present revision petition against the impugned judgement of conviction and order of sentence dated 19.01.2004 passed by the learned Additional Sessions Judge, Mansa, whereby, the present petitioner was convicted under Section 30 of the Arms Act and was sentenced to undergo rigorous imprisonment for a period of one month, that is, already undergone by him.

Vide order dated 21.11.2005, the present case was ordered to be listed alongwith Criminal Appeal S-521-SB of 2004, which is being disposed off vide judgment of even date.

Alongwith the petition, the petitioner had moved an application under Section 5 of the Limitation Act read with Section 482 of Cr.P.C. for condonation of delay of 197 days in filing the present revision petition. The learned counsel for the petitioner submitted that the learned trial Court vide judgment dated 19.01.2004 convicted the present petitioner as well as the co-accused Mohandeep

Singh. The petitioner was convicted under Section 30 of the Arms Act

and was sentenced to the period already undergone by him, whereas Mohandeep Singh was convicted and sentenced separately. It was submitted that the petitioner and Mohandeep Singh decided to engage one counsel for filing the appeals against the judgment of conviction and the petitioner had sent a separate power of attorney for filing a appeal before this Court and gave the same to father of Mohandeep Singh. Father of Mohandeep Singh had assured that he would get the appeal filed on his behalf also. However, father of Mohandeep Singh did not give satisfactory reply after some time and the petitioner came to know later on that his appeal had not filed by father of Mohandeep Singh and he had only filed appeal on behalf of his son, i.e. Mohandeep Singh.

I have heard learned counsel for the petitioner as well as the learned State counsel and find that there are no grounds to condone the delay in filing the present revision petition. Vide impugned judgment and order, the present petitioner was convicted under Section 30 of the Arms Act and was sentenced to the period already undergone by him and was ordered to be released. Still further, his co-accused Mohandeep Singh was in custody and was unable to come personally to engage a counsel and to file an appeal. However, it was the duty of the petitioner to come personally and engage a counsel and to file the petition within the period of limitation. In case, he had not come personally, it was his duty to verify the facts and to ensure the filing of the revision petition within the period of limitation. Still further, there is no evidence to show that the petitioner had handed over the papers to father of Mohandeep

Singh for filing of the revision petition before this Court. Still further,

at the time of conviction, the certified copy of the judgment and order were supplied to the petitioner on 19.01.2004. As per the petitioner, he had given the papers to father of Mohandeep Singh whereas a certified copy annexed with the present petition shows that he has annexed the certified copy dated 19.01.2004 supplied to him by the learned trial Court free of cost for the purpose of filing of the appeal before this Court. Thus, the plea taken by the present petitioner appears to be false. Thus, there is no ground to condone the delay in filing the present revision.

As a consequence, the application for condonation of delay as well as main revision petition are ordered to be dismissed being hopelessly time barred.

All pending applications, if any, are disposed of, accordingly.

The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

Records of the Court below be sent back.

31.01.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No