

CRM-23346-2016 in/and CRR-2695-2016

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2023:PHHC:115151

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

**CRM-23346-2016 in/and
CRR-2695-2016
Date of decision: 24.07.2023**

State of Haryana

....Petitioner

Versus

Charan Dass Bansal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.
for the applicant/petitioner.

None for respondent No.1.

None for respondents No.2 to 5.

Mr. Parveen Sharma, Advocate
for respondent No.4.

PANKAJ JAIN, J. (ORAL)

The necessary facts and material, which need mention for the limited purpose of deciding the instant application under Section 5 of the Limitation Act seeking condonation of delay of 525 days in filing the revision is that in case FIR No.181 dated 03.05.2003 registered under Sections 419, 420, 467, 468, 472, 120-B IPC at P.S. Assandh, Karnal, registered on the complaint made by Shama Devi regarding forgery of a loan

amount of Rs.3 lakh, the respondents were sentenced to undergo rigorous imprisonment of one year. However, on appeal, while maintaining the judgment of conviction as passed by the Trial Court, the respondents were released on probation on their furnishing bond in the sum of Rs.50,000/- each with one surety of the like amount to the satisfaction of Trial Court, subject to the condition that they would keep peace and good behavior for a period of one year from the date of passing of judgment dated 21.11.2014 by the Court of Sh. Dinesh Kumar Mittal, Additional Sessions Judge, Karnal, which is impugned in the present revision.

1.1. The District Attorney, Karnal sent his comments in the present case that it is a fit case for filing an appeal against the judgment of probation of accused persons vide order dated 21.11.2014 in this Court within the period of limitation. Copy of judgment along with police file received in the office of Superintendent of Police, Karnal. All relevant documents further forwarded to the District Magistrate, Karnal.

1.2. On 05.01.2015, the District Magistrate, Karnal sent the copy of judgment along with police file to the office of Advocate General, Haryana for filing an appeal against the impugned judgment. Comments were sent to Ld. District Magistrate, Karnal on 29.12.2014 for filing an appeal. Resultantly, delay of 525 days occurred in filing the present revision petition which is claimed to be inadvertent and unintentional. The petitioner-State thus prays for condonation of delay of 525 days.

1.3. That being so, the petitioner-State sought to condone the delay of 525 days, in the manner depicted here-in-above.

2. As per the reply filed by respondent No.1, the explanation furnished by the applicant/petitioner for condonation of delay is misconceived. Delay can be condoned if the same is reasonable and convincing pleas are taken. However, in the present case a huge delay of 525 days has been taken and the only ground taken to condone the delay is that the file was dealt with various authorities. Counsel for respondent No.1 has relied upon the judgment of Supreme Court in ***Ved Prakash vs. State of Haryana, 1981(1) SCC 447.***

3. In the considered opinion of this Court, the ground pleaded for condoning the delay of 525 days does not make out sufficient cause. Reference can be made to the judgment passed in the matter of ***Basawaraj vs. Land Acquisition Officer, (2013) 14 SCC 81*** wherein the objective behind law of limitation has been spelled out by Apex Court as under:-

“xxxx xxxx xxxx xxxx

15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bonafide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.”

4. This Court does not find any merit in the application for condonation of delay. As such, the same is dismissed. Main revision consequent to the dismissal of the application for condonation of delay also stands dismissed as barred by limitation.
5. Pending application(s), if any, shall also stand disposed of.

(PANKAJ JAIN)
JUDGE

July 24, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No