

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2053-2018(O&M)
Date of Decision:29.08.2023

Sandeep

...Petitioner

Vs.

State of Haryana and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Naresh Kumar Ganga, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

CRM-21606-2018

1. The applicant/petitioner has filed the present application under Section 5 of the Limitation Act for condonation of delay of 1360 days in filing the present petition.

2. Learned counsel for the applicant submits that vide the impugned judgment 13.05.2014, the Court of Additional Sessions Judge, Fatehabad had wrongly acquitted the respondents No.2 and 3 of the charge for the offences punishable under Section 307, 506 of IPC. At that time, the petitioner was under treatment for the last three years and he is having the 50% permanent disability. Consequently, he had no knowledge about the period of limitation. Thus, the delay of 1360 days had occurred in filing the present petition before this Court.

3. I have heard learned counsel for the applicant and perused the record.

4. Even though the applicant has raised an argument that he was under treatment for the last three years and was having a 50% disability, but no evidence has been placed on record by him to show that he was having some kind of physical disability. Further, no evidence has been placed on the record of this file, which could prove that the applicant was suffering from any kind of illness at any point of time. Apart from that, the applicant was represented by an advocate before the Trial Court and it is unbelievable that the petitioner had no knowledge about the period of limitation for filing the appeal before this Court. Thus, no valid explanation has been offered by the applicant for the delay in filing the present petition before this Court and the application is ordered to be dismissed, being hopelessly time barred.

Main case

1. Since the application for condonation of delay in filing the present petition has been ordered to be dismissed, no separate orders are required to be passed in the main case. The petition is accordingly, ordered to be dismissed.

29.08.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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