

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CRR-713-2024 (O&M)
Date of Decision.:10.04.2024

Anish Khanna	Petitioner
Vs.	
M/s Lap Homes LLP	Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Ketan Antil, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

CRM-15654-2024:

By way of this application moved under Section 5 of the Limitation Act, 1963 read with Section 482 Cr.P.C., petitioner prays to condone the delay of 1498 days in filing this revision petition.

2. Perusal of the paper-book would reveal that in a criminal complaint filed in January, 2015 by respondent M/s Lap Homes LLP, the petitioner Anish Khanna and his wife Rimple Khanna were convicted by the Court of learned Judicial Magistrate 1st Class, Gurugram vide judgment dated 04.08.2016 under Section 138 of the Negotiable Instruments Act. Vide a separate order dated 06.08.2016, petitioner Anish Khanna was sentenced to undergo simple imprisonment for a period of 06 months whereas his wife Rimple Khanna was sentenced to undergo simple imprisonment for a period

of 03 months. Apart from this, petitioner was asked to pay compensation amount of ₹17,00,000/-; whereas Rimple Khanna was asked to pay compensation amount of ₹5,50,000/- to the complainant. A joint appeal against the aforesaid judgment of conviction and order of sentence was filed by both of them before the Court of Sessions. Vide judgment dated 31.05.2018, Rimple Khanna was acquitted. However, vide judgment dated 30.11.2019, the appeal of the petitioner Anish Khanna was dismissed.

3. After dismissal of the aforesaid appeal on 30.11.2019, petitioner has now approached this Court by filing this petition on 06.04.2024.

4. It is pleaded in the instant application that due to financial constraints and family problems, petitioner could not file the revision petition in time. In March, 2020, first wave of COVID-19 had started. Later, petitioner was arrested in case FIR No.39 dated 31.03.2021 registered at Police Station Women Police Station, Gurugram under Sections 323, 328, 354-C, 376(2)(n) & 506 of the IPC, in which he was released on bail on 30.06.2022. All the finances were used for getting him bailed out. He could not even pay the installments of his residential accommodation due to which his loan account was declared NPA on 31.03.2021 and the bank initiated SARFAESI proceedings. Because of all these hardships and boycott from the society, the petitioner and his family remained under a lot of mental tension and all this has resulted in this delay.

5. After hearing learned counsel for the petitioner at length, this Court does not find the grounds pleaded in the application to be justifiable

so as to condone the long delay of 1498 days in filing this petition. The appeal had been dismissed by the Court of Session on 30.11.2019, when there was no covid situation. It is not the contention of the petitioner that the first wave of covid in March, 2020, prevented him from filing the petition. As per him, in the criminal case registered against him, he was sent to the judicial custody on 02.04.2021. Meaning thereby, that he was not in jail prior to 02.04.2021. Besides, he was released on bail on 30.06.2022 and thereafter also, nothing had prevented him from filing this petition. Simply because he could not pay his loan amount due to which SARFAESI proceedings were initiated by the bank, cannot be a reason to justify the huge delay of 1498 days in filing this petition.

6. As such, the present application is dismissed.
7. Since the application to condone the delay is dismissed, therefore, the main petition i.e. CRR-713-2024 is hereby dismissed being barred by limitation.

Pending application(s), if any, also stands disposed of.

(DEEPAK GUPTA)
JUDGE

April 10, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No