

CRR-30-2022

2025:PHHC:163098



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR-30-2022**

Gurmeet Singh

....Petitioner

versus

Gurbachan Singh and another

....Respondents

Date of decision: November 21, 2025**Date of Uploading: November 21, 2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Ms. Ritu Pathak, Advocate for the petitioner.Ms. Deeksha, Advocate for
Mr. Arvind Kashyap, Advocate for respondent No.1.

Mr. Adhiraj Singh, AAG Punjab.

SUMEET GOEL, J. (ORAL)**CRM-224-2022**

Application herein has been filed on behalf of the applicant-petitioner seeking condonation of delay of 233 days in filing the accompanying revision petition. The main revision petition has been filed impugning the judgment dated 06.09.2019, passed by the learned Additional Sessions Judge, Fatehgarh Sahib, whereby the appeal preferred by non-applicant-respondent No.1, namely, Gurbachan Singh, against the judgment/order of conviction/sentence dated 06.02.2017 passed by the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib whereby, he was convicted/ sentenced for commission of offences punishable under Section 420 of the Indian Penal Code, 1860 (for short 'IPC'), was allowed while setting aside the said

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judgment/order of conviction/sentence dated 06.02.2017 and non-applicant-respondent No.1 was acquitted of the charge(s) framed against him.

2. Learned counsel appearing for the applicant-petitioner, while seeking grant of prayer for condonation of delay of 233 days, has argued that the delay has occurred on account of the applicant-petitioner's remaining under *bona fide* impression that revision petition was to be filed by the State against the impugned judgment of acquittal. Learned counsel has argued that the applicant-petitioner was not at all aware about acquittal of non-applicant-respondent No.1, and he came to know *qua* the same only on 25.02.2020, when he had received summons in a defamation case (titled as Gurbachan Singh versus Gurmeet Singh (CS No.50 of 2020) instituted by non-applicant-respondent No.1 against him, thereby, requiring him to cause appearance in the said case. Learned counsel has iterated that, upon gaining knowledge of said defamation case, he immediately approached his counsel and applied for certified copy of the impugned judgment dated 06.09.2019, on 27.02.2020, which was received on 03.03.2020. Learned counsel for the applicant-petitioner has further submitted that an application for condonation of delay ought to be considered liberally, particularly, where the applicant-petitioner has good case on merits. On these submissions, condonation of delay of 233 days in filing the revision petition has been sought. It has been further contended that no prejudice is going to be caused to the respondents, in case, the instant application is allowed and the instant revision petition is heard on merits. Learned counsel has further argued that circumstances of the case indicate that the delay in filing the revision petition is neither intentional nor deliberate &, hence, delay deserves to be condoned.

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3. Learned counsel for respondent No.1 supported by State counsel, vehemently opposes the prayer for condonation of delay. They submit that the applicant-petitioner has failed to offer any cogent, credible or satisfactory explanation accounting for the inordinate delay of 233 days. It has been further argued that the reasons projected in the application are vague, omnibus and bereft of any material particulars and thus fall short of the threshold required for invoking the court's discretionary power of condonation. Hence, the prayer for condonation of delay deserves outright rejection.

4. I have heard the learned counsel for the parties and have perused the paper-book.

5. It would be apposite to refer herein to a judgment of this Court passed in *CRR (F)-1844-2023* titled as *Deepak vs. Noori and another*, decided on 29.02.2024; relevant whereof reads as under:

“8. As a sequel to above-said discussion, the following principles of law emerge:

I. A liberal approach, undoubtedly, ought to be accorded to a plea for condonation of delay made under Section 5 of The Limitation Act, 1963 so as to further the cause of substantial justice. The concept of substantial justice essentially includes in itself the desirability of adjudication of a claim of the litigant on merits thereof rather than rejection of the same, at the threshold, on account of being barred by limitation. However, adoption of such liberal approach cannot be stretched to mean that a prayer (for condonation of delay) ought to be granted sans reasonable explanation therefor. An applicant (seeking condonation of delay) has to bring forward cogent, credible and lucid reason(s) to substantiate such a plea. In case such reason(s) is not scrutable, a Court would well be within its discretion to decline such plea (for condonation of delay). In other words, inexplicable delay ought not to be condoned.

II. A Court ought to grant an application seeking condonation of delay when no negligence, inaction or want of bona fide is imputable to such applicant and/or such delay has occurred on account of circumstances beyond reasonable control of such applicant.

III. It is not the length of delay (sought to be condoned) but explanation thereof which is relevant for consideration by a Court.

IV. Law of limitation does not require an applicant (seeking condonation of delay) to furnish an exhaustive explanation on 'day to-day basis' for such delay. A Court while dealing with a plea for condonation of delay need not undertake such a pedantic approach.

V. In appropriate cases, a Court may consider imposing costs while granting an application for condonation of delay. However, the quantification of costs so imposed, must reflect the same being commensurate to the lis in issue as also attending circumstances therein.

VI. The factum; of non-applicant(s) or even strangers having altered their position(s) relying upon the applicant not having filed an appeal/revision etc. within stipulated time and resultant effects thereof; will indubitably be a pertinent factor for consideration of a plea for condonation of delay.

VII. A plea for condonation of delay by the State as also its instrumentalities has to be accorded a more liberal approach since the machinery involved in their working is impersonal in nature & hidden factors working therein cannot be given a complete amiss.

VIII. The discretion of a Court, while considering a plea for condonation of delay, will be exercised in view of peculiar facts/circumstances of an individual case. It is neither prudent nor feasible to fix any exhaustive guidelines for exercising such judicial discretion. On the contrary, it would be perilous to lay down such general criteria for governing such discretion. Needless to emphasize that exercise of such judicial discretion/power ought to be within the four corners of well settled principles of justice, good conscience and fair play.”

6. More recently the Hon’ble Supreme Court in case titled as ***Pathapati Subba Reddy (Died) by L.Rs & Ors. vs. The Special Deputy Collector (LA), Neutral Citation:2024 INSC 286***, has observed as under:

“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

xxx

xxx

xxx

xxx

vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

7. Condonation of delay of 233 days in filing the accompanying revision petition is sought for on the following relevant averments:

“2. That the vide judgment / order dated 6.2.2017, the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib has rightly convicted the accused/ respondent No.1 in case 113, dated 31.08.2012, under Sections 406, 420 IPC, 1860, Police Station Sirhind, District Fatehgarh Sahib and the petitioner was convicted for the offence punishable under Section 420 IPC for Rigorous Imprisonment for two years and with fine of Rs.10,000/- vide Police Challan No. 61/CHI 1216 of 12.10.2012.

3. *That however, vide impugned judgment dated 06.09.2019, the learned Additional Sessions Judge, Fatehgarh Sahib has illegally acquitted the accused/ respondent No.1 without considering the documentary evidence on record.*

4. *That the petitioner was under the bonafide impression that the present petition was to be filed by the State against the judgment of acquittal. Moreover, the petitioner was not aware about the acquittal of the respondent No.1. He only came to know about the same on 25.02.2020, when he received the summons of a defamation case filed by the respondent No.1 against him titled as Gurbachan Singh Vs. Gurmeet Singh (CS No. 50 of 2020), in which the next date for appearance is 16.04.2020 and now it is 23.07.2020. The petitioner immediately approached his counsel and applied on 27.02.2020 for obtaining the certified copy of the impugned judgment dated 6.9.2019 and the same was received on 3.3.2020. The copy of above summon will be produced as and when required by this Hon'ble Court.*

5. *That thus, the delay of 233 days has occurred in filing the present revision petition, which is not intentional or deliberate on the part of the appellant, but due to aforesaid bonafide reason."*

8. A perusal of the above-said averments clearly shows that no reasonable or plausible explanation has been furnished by the applicant-petitioner to condone the delay of 233 days in filing the accompanying revision petition. This application, apart from bereft of any specific details/ particulars, which may reflect *bona fide* on part of the applicant-petitioner in pursuing his case, rather reflects a deliberate attempt on the part of the applicant-petitioner to somehow entangle the respondent-accused in prolonged litigation. The applicant-petitioner has failed to provide any concrete explanation or document to demonstrate his genuine efforts in pursuing the matter within the prescribed time limit. No cause much less sufficient cause, as required in law, has been shown to justify or condone the significant delay of 233 days in filing the accompanying revision petition. The delay is both inordinate and inexplicable. Merely attributing the delay to unforeseen circumstances, without any supporting details or evidence to substantiate these claims, does not meet the legal threshold for condonation. The applicant-petitioner has neither shown

continuous interest in the case nor presented any exceptional or unavoidable circumstances that could explain such an extensive delay.

8.1 The explanation for the delay contained in the application seeking condonation of delay is wholly unsatisfactory and can hardly be said to be a reasonable, satisfactory or even a proper explanation for seeking condonation of delay. In the facts and circumstances of the case as narrated hereinabove, the application seeking condonation of delay of 233 days in filing the accompanying revision petition merits dismissal.

Decision

9. The application (*CRM-224-2022*) seeking condonation of delay of 233 days in filing the accompanying revision petition is dismissed. Since the application seeking condonation of delay has been dismissed, the main revision petition stands dismissed as well accordingly.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 21, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No