



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

CRR-1193-2025 (O&M)
Date of Decision:16.07.2025

Triro Ram @ Tariro Ram	...Petitioner
Versus	
Punjab and Sind Bank	... Respondent

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

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Himanshi Garg, Advocate and
Mr. Gaurav Goel, Advocate
for the respondent.

N.S.SHEKHAWAT, J.

CRM 18416 of 2025

1. The applicant/petitioner has moved the present application under Section 5 of the Limitation Act for condonation of delay of 260 days in filing the present revision petition before this Court.

2. Learned counsel for the applicant/petitioner contends that the impugned judgment dated 15.05.2024 passed by the Court of Additional Sessions Judge, Pathankot, vide which the first appellate Court affirmed the judgment of conviction and order of sentence

dated 08.05.2023 passed by the Judicial Magistrate 1st Class, Pathankot, whereby, the applicant/petitioner has been convicted for committing the offence punishable under Section 138 of the Negotiable Instruments Act 1881 and has been sentenced, was passed by the first appellate Court in absence of the applicant/petitioner. He further contends that the applicant/petitioner is a farmer and had availed Kisan Credit Limit from the respondent. However, the daughter of the petitioner was suffering from cancer and ultimately died in 2021. Due to this, the petitioner could not pay the installments of loan and the amount of Rs.21,57,936/- was filled in the blank security cheque by the respondent-bank and was misused. Due to the said family circumstances and the acute financial hardship, the petitioner could not file the appeal in time.

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

4. In the present case, from the perusal of the impugned judgment dated 15.05.2024 passed by the Court of Additional Sessions Judge, Pathankot, it is apparent that the appeal was filed on 15.11.2023. However, the petitioner/accused did not appear before the appellate Court and the appeal was heard and dismissed in his absence. The impugned judgment was passed on 15.05.2024 and in the present application, the applicant/petitioner has not mentioned any event after 15.05.2024, which was sufficient to prevent him from

filing the revision before this Court. In fact, as per the admitted case of the applicant/petitioner, his daughter had died in the year 2021 i.e., even before passing of the judgment of conviction dated 08.05.2023 by the Court of Judicial Magistrate 1st Class, Pathankot. Even, after her death, the applicant/petitioner had sufficient period of almost 03 years to settle the dispute with the respondent.

5. Still further, no sufficient reasons have been mentioned by the applicant/petitioner for condonation of delay in filing the present revision petition before this Court and the application is ordered to be dismissed.

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6. Apart from that, the petitioner has filed the present petition before this Court without even surrendering before the appellate Court and has moved an application for entertaining the revision petition, without the petitioner having surrendered either before this Court or the appellate Court. However, the Hon'ble Apex Court has held in the matter of "**Daulat Singh Vs. The State of Madhya Pradesh, SLP (Criminal) Diary No.(s).20900/2024,** that once the accused had not surrendered before the appellate Court, after dismissal of his appeal by the first appellate Court, this Court had no jurisdiction to entertain the present revision petition.

7. Thus, in view of the law laid down by the Hon'ble Supreme Court in the matter of **Daulat Singh case (supra),** the main

revision petition was also not maintainable before this Court and accordingly, the present revision petition is ordered to be dismissed being not maintainable. Even otherwise, the petition is barred by limitation also.

8. All pending applications, if any, are disposed off, accordingly.

16.07.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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