



2025:UHC:362

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 34 of 2025

09th January, 2025

Swami Maheshwaranand

...Applicant

Versus

State of Uttarakhand and another

.....Respondents

Presence:-

Mr. C.K. Sharma, Advocate for the applicant.

Mr. B.C. Joshi, A.G.A. with Mr. Vipul Painuly and Ms. Shweta B. Dobhal, B.H.
for the State.

Hon'ble Pankaj Purohit, J.

By means of the present C528 application, the applicant has put to challenge the order dated 06.12.2022, passed by learned Additional Chief Judicial Magistrate, Haridwar in Case No.794 of 2018, "State Vs. Swami Maheshwaranand" Case Crime No.237 of 2018, under Sections 420, 406 and 506 IPC, by which charges have been framed against the applicant under aforesaid sections as well as the order dated 02.12.2024, passed in Criminal Appeal No.129 of 2024, "Swami Maheshwaranand Vs. State of Uttarakhand and others" (wrongly numbered as criminal appeal rather which should have been registered as miscellaneous case, when a revision is filed against the applicant with a Misc. Application under Section 5 of Limitation Act, 1963), whereby the criminal revision filed by the applicant was rejected as time barred.

2. Briefs facts of the case are that the charges were framed against the applicant under Sections 406, 420 and 506 of IPC vide order dated 06.12.2022. The applicant filed a revision petition against the said order before the IVth Additional Sessions Judge, Haridwar.

3. Since the revision was time barred an application under Section 5 of Limitation Act, 1963 (hereinafter referred to as "Act of 1963") was also accompanied with the revision. It is stated in the application under Section 5 of the Act of 1963, that the applicant could not file the revision as he was not having knowledge of the order of the framing of the charge and was ignorant of the legal provision.



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4. With these averments made by the applicant in the delay condonation application, filed under Section 5 of the Act of 1963, the limitation was sought to be condoned.

5. The learned IVth Additional Sessions Judge, Haridwar vide impugned order dated 02.12.2024 rejected the Application No.3(क) under Section 5 of the Act of 1963 being highly time barred.

6. It is contended by learned counsel for the applicant that against the order dated 06.12.2022, the revision should have been filed within a period of 90 days, which was to expire on 06.03.2023, but since a new Advocate was engaged by the applicant, applicant would have advised him to file the revision against framing of the charges and it is only thereafter the revision was filed.

7. It is also contended by learned counsel for the applicant that the applicant was not having any knowledge of law, therefore, there was a delay of 15 months in filing the revision petition and for condoning the delay under Section 5 of Act of 1963 application has also been made.

8. *Per contra*, learned State counsel supported the judgment and order passed by IVth Additional Sessions Judge, Haridwar.

9. I have gone through the judgment the impugned passed by IVth Additional Sessions Judge, Haridwar. The reasons which have been assigned by IVth Additional Sessions Judge, Haridwar are quite convincing and the application under Section 5 of Act of 1963, therefore was rightly rejected.

10. Accordingly, this Court does not find any force in the C528 application and the same is accordingly dismissed *in limine*.

(Pankaj Purohit, J.)

09.01.2025

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