

Cr Rev 145/2024

UPKAR JOSHI Vs. STATE AND ANR.

25.09.2024

Pr.: Sh. Sanoj Kumar Jha, Ms. Meenu Jha and Ms. Kaynat Ansari, Ld. Counsel for the revisionist.

Report furnishing filing details of present revision, has been filed by the Filing Section.

Arguments on application under Section 5 of the Limitation Act heard.

This is a revision petition against order of charge dated 15.01.2024 and consequent framing of charge on 29.02.2024, however, this revision was filed on 09.07.2024.

Perusal of report of Filing Section shows that revision was firstly filed on 07.06.2024, objection was raised on the same day and then it was refiled on 06.07.2024 and same was approved on 08.07.2024. Therefore, this revision was filed on 08.07.2024.

This revision should have been filed after 90 days of 29.02.2024 i.e. in last days of May, 2024 itself. When the revisionist firstly filed revision on 06.07.2024, it was not even within time. Even objection was raised by Filing Section on the same day and revisionist took almost one month in removing the same and filed it again on 06.07.2024. At this stage, Ld. Counsel for the revisionist submits that a lenient view may be taken and delay may be condoned.

Considering the same, I am of the opinion that revision should not be thrown out merely on technical ground of delay

and it should be decided on merits. However, considering conduct of the revisionist, some cost should be imposed upon them. **Accordingly, application for condonation of delay is allowed, subject to cost of Rs.5,000/- to be deposited by revisionists with DLSA, East.**

On **production of receipt of cost of Rs.5,000/-**, issue notice of revision to the respondents on filing of PF and RC as well as through all other permissible modes, returnable for **28.10.2024.**

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
25.09.2024 (mk)