

**IN THE COURT OF SH. PREM KUMAR BARTHWAL
PRINCIPAL DISTRICT AND SESSIONS JUDGE
NORTH DISTRICT, ROHINI COURTS, DELHI**

CNR No. DLNT01-011684-2025

Crl. Revision No. 204/2025

State (Government of NCT of Delhi)

Through Public Prosecutor,

District North, Delhi

.....Revisionist

Versus

Gajender @ Guddu

S/o Sh. Jaswant Singh

R/o Jai Ganj, near School No. 35,

Behind Ashok Yadav Showroom,

Aligarh, UP.

Earlier address:

R/o Jhuggi No. J-21, Aruna Nagar,

Majnu Ka Tilla, Delhi

.....Respondent

Date of filing : 25.08.2025

Date of arguments : 23.04.2026

Date of Order : 23.04.2026

ORDER

1. Arguments on the application u/s 5 of The Limitation Act for condonation of delay in filing the present revision petition have been heard.

2. The revisionist / State has preferred the present revision petition dated 25.08.2026 against the impugned order dated 05.12.2024, passed by Ld. ACJM, North District, Rohini Courts, Delhi, in case titled as “State Vs. Gajender @ Guddu” bearing Cr. Case No. 2578/2019.

3. It is contended that the delay in filing the present revision petition is not intentional but due to the time taken in administrative process by various departments and it is prayed that delay in filing the instant revision, may be condoned.

4. Since application for condonation of delay has been moved u/s 5 of The Limitation Act, for ready reference Section 5 of The Limitation Act, is reproduced herein below:

Section 5 The Limitation Act : Extension of prescribed period in certain cases.

Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation : The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.

5. From the bare reading of the Section, it is clear that the delay can be condoned provided “Sufficient Cause” is shown by the revisionist for not being able to file the revision within the limitation, but the delay has to be explained day by day.

6. In the case of *Maniben Devraj Shah Versus Municipal Corporation of Brihan Mumbai, in Civil Appeal Nos. 2970-2971 of 2012*, the Hon’ble Apex Court has referred to the judgment, i.e. *N. Balakrishnan Vs. M. Krishnamurthy, decided by the Hon’ble Supreme Court of India on 03.09.1998*, and has held that:-

“It is axiomatic that condonation of delay is a matter of discretion of the court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. Once the court accepts the explanation as sufficient, it is the result of positive exercise of discretion

7. In the case of *Popat Bahiru Govardhane Etc. Vs. Special Land Acquisition Officer & Anr. in Civil Appeal Nos. 6976-6980 of 2013*, decided by the Hon’ble Supreme Court of India on 22.08.2013, the Hon’ble Apex Court has observed as under:

“It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim “dura lex sed lex” which means “the law is hard but it is the law”, stands attracted in such a situation...”

8. From the cumulative reading of all the judgments, it is clear that though the court should adopt a liberal and reasonable approach while adjudicating upon the application for condonation of delay in filing of the appeal or revision where the applicant is able to show “Sufficient Cause” for not being able to file the revision, within the limitation prescribed. It is axiomatic that “Sufficient Cause”, which is required to be explained day by day, should not be laced with gross negligence, deliberate inaction or

something akin to misconduct as the same would dis-entitle the appellant/revisionist, from seeking indulgence of the court.

9. In this backdrop, when the case in hand is adverted to, and the TCR is scrutinized, it is found that the revisionist has not even mentioned the number of days of delay in filing the instant revision and also the day to day delay has not been explained in the said application. The contention, which has been put forth on behalf of the revisionist is that due to time taken in administrative process by various departments the present revision petition could not be filed within limitation period. Perusal of the record reveals that on the date when the order was passed i.e. on 05.12.2024, the revisionist was legally represented through Ld. APP for the State. Once an order comes into the knowledge of any litigant, it is for him / aggrieved to make preparation for filing of the revision promptly if said order is to be impugned. This is not a case where the revisionist did not have any legal representation but had the assistance of the legal brain throughout. Furthermore, even if the contention of the revisionist is considered, the revisionist has not explained as to in which departments and for what periods the file was pending on administrative side and who were the concerned officials who had caused delay and what action was proposed / taken against them for causing delay. The conduct of the revisionist is that of utter negligence and callousness which is reflected even in the application under consideration. Beneficial legislations are more often than not misused by the litigants taking the courts for granted. The courts are constituted to impart justice and justice cannot be subservient to procedural legislations which

are being blatantly misused by the litigants.

10. In considered opinion of this court, the applicant/revisionist has failed to bring its case within the ambit of the matters in which discretion needs to be exercised in favour of the applicant. No “Sufficient Cause” has been shown by the revisionist as to why the revision was not filed within the period of limitation. No good explanation, what to talk of sufficient or good cause, has been detailed in the entire undated application seeking condonation of delay. The said application does not even mention the details of number of days for which the condonation is being sought and the application for condonation of delay filed on behalf of revisionist is cryptic and reflects the patent callousness on the part of the revisionist. After weighing the factual situation, and the fact that the revisionist has not bothered to explain the delay in filing the revision, the revisionist-herein is not entitled to benefit of condonation of delay envisaged u/s 5 of The Limitation Act. Accordingly, the application for condonation of delay filed on behalf of revisionist u/s 5 of The Limitation Act is hereby dismissed being devoid of any merits. Consequently, the present revision petition is also dismissed being time barred.

11. Trial Court Record be sent back along with a copy of this order. The revision petition file be consigned to Record Room.

*(Announced in the open court
today on i.e. on 23.04.2026)*

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi (d)