

IN THE COURT OF MS. SURABHI SHARMA VATS:
ADDITIONAL SESSIONS JUDGE-04: SHAHDARA:
KARKARDOOMA COURT: DELHI.

Criminal Revision No. 79/2024

PRAMOD GOEL
R/o, BN 33, East Shalimar Bagh,
Delhi-110088.

..... **Revisionist**

Versus

SHAURYA SHARMA
S/O Sh. Sunil Sharma
R/o D 71, Suraj Mal Vihar, Delhi,
110092.

..... **Respondent**

Date of institution : 18.04.2024

Date of order : 24.03.2026

ORDER ON THE APPLICATION UNDER SECTION 5 OF THE
LIMITATION ACT, 1963

1. The present Revision Petition has been preferred under Section 397 Cr.P.C. against the impugned order dated 04.07.2019 passed by the then Ld. MM, Shahdara, Karkardooma Courts, Delhi (hereinafter referred to as “Ld. Trial Court”) in case titled as ‘Shaurya Sharma Vs. M/S Indirapuram Habitat Centre Private Ltd.’ bearing CT No. 2587/2019 vide which the Ld. Trial Court has summoned the accused for the offence punishable under Section 138 NI Act.

2. Perusal of the record reveals that an application under Section 5 of Limitation Act, 1963 seeking condonation of delay in filing the present Revision Petition has also been filed on record.

3. Ld. Counsel for the Revisionist has submitted that the present Revision Petition has been filed with a delay of about 254 days and has submitted that the present Revision Petition could not be filed in due time since, the Revisionist was in JC during the period in question. It is further submitted that Revisionist/accused being in JC in itself is the sufficient ground for the condonation of delay.

It was further submitted that the delay in filing the present Revision Petition is neither deliberate nor intentional, but occurred solely due to the aforesaid reason, therefore, it is prayed that the delay in filing the Revision Petition may kindly be condoned.

4. Arguments on the application under Section 5 of Limitation Act, 1963 seeking condonation of delay in filing the present Revision Petition heard. Record perused.

5. There is no straight jacket formula which may apply to all the situations and cases where there is a delay and thus, each case for condonation of delay is based on the existence or absence of the sufficient cause or explanation. Therefore, every such case has to be decided on its own sufficient cause or merits.

6. While deciding the application seeking condonation of delay, this Court is guided by the principles as laid down by the Hon'ble Supreme Court of India in a case titled as '*Shivamma (Dead) by LRs Vs. Karnataka Housing Board & Ors.*' in Civil Appeal No. 11794 of 2025 (Arising out of

Special Leave Petition (C) No. 10704 of 2019) dated 12.09.2025, wherein, the Hon'ble Supreme Court of India has observed that:

“.....124. The burden to establish sufficient cause lies upon the party seeking condonation, and the court must be satisfied that the cause is real, bona fide, and free of negligence. Sufficiency of cause is to be determined contextually, on the totality of circumstances, with due regard to the conduct of the applicant and the prejudice caused to the opposite party. The inquiry is not mechanical but principled, resting on the dual pillars of bona fides and diligence.

125. The expression “*sufficient cause*” is not itself a loose panacea for the ill of pressing negligent and stale claims. The expression is to be construed with justice-oriented flexibility so as not to punish innocent litigants for circumstances beyond their control.

126. Courts must not condone gross negligence, deliberate inaction, or casual indifference, for to do so would undermine the maxim interest *reipublicae ut sit finis litium* and destabilise the certainty that limitation law seeks to secure.

127. The expression “*sufficient cause*” must be construed in a manner that advances substantial justice while preserving the discipline of limitation. The courts are not to be swayed by sympathy or technical rigidity, but rather by a judicious appraisal of whether the applicant acted with reasonable diligence in pursuing the remedy. Where explanation is bona fide, plausible, and consistent with ordinary human conduct, courts have leaned towards condonation. Where negligence, want of good faith, or a casual approach is discernible, condonation has been refused.”

7. The present Revision Petition has been filed on 18.04.2024 with a delay of about 254 days against the impuged order dated 04.07.2019 passed by the Ld. Trial Court in case titled as ‘Shaurya Sharma Vs. M/S Indirapuram Habitat Centre Private Ltd.’ bearing CT No. 2587/2019 vide which the Ld. Trial Court has summoned the accused for the offence punishable under Section 138 NI Act.

It is the case of the Revisionist that he could not file the present

Revision Petition within the prescribed period of limitation on account of his being in judicial custody. However, a perusal of the record reveals that while being in JC, the Revisionist/accused continued to be duly represented through a Counsel before the Ld. Trial Court, and his Counsel had appeared on several dates of hearing before the Ld. Trial Court including 01.09.2020, 23.03.2021, 15.09.2021 and 30.11.2023. It is also borne out from the record that an application was also moved on behalf of the Revisionist before the Ld. Trial Court on 23.02.2024.

Further, it has been fairly conceded by the Ld. Counsel for the Revisionist that the present Revision Petition was filed on 18.04.2024 while the Revisionist continued to remain in judicial custody on the said date as well. In these circumstances, the plea that the Revisionist's incarceration prevented him from filing the present Revision Petition within the stipulated time, is untenable and devoid of merit, particularly in view of his continued legal representation in the proceedings before the Ld. Trial Court as well as in view of the fact that the Revisionist was in judicial custody even on the date when the present Revision Petition was ultimately filed on 18.04.2024.

8. In view of the foregoing discussion and in light of the settled principles of law, this Court is of the considered opinion that the Revisionist has failed to establish any "sufficient cause" for condonation of delay within the meaning of Section 5 of the Limitation Act, 1963. The explanation furnished is neither cogent nor convincing and reflects lack of due diligence. Accordingly, the application seeking condonation of delay is, hereby dismissed. Further, in view of the dismissal of the application under Section 5 of the Limitation Act, 1963 seeking condonation of delay, the present Revision Petition, being barred by limitation, does not survive for consideration on merits and is also accordingly disposed of.

9. Revision File be consigned to record room. TCR alongwith the copy of this order be sent to the Ld. Trial Court for information. Copy of this order be given dasti to Ld. Counsel for the Revisionist.

**Announced and dictated in the
open court on 24.03.2026**

**(SURABHI SHARMA VATS)
ASJ-4/Shahdara/KKD
Delhi/24.03.2026**