

CNR No:PBFZC00049212024 CASE No:Crm-730-2024

State through Sukhjeet Singh Vs Palwinder Singh

Present: Sh. Rahil Birla, Adv for petitioners.
Sh. R.K. Verma, Adv for respondents.

Heard on application u/s 5 of Limitation Act for condonation of delay of 7 months. It is prayed in the application that the complainant and other injured witnesses are illiterate. The injured witnesses and the complainant came on 21.08.2024 to attend the Court proceedings and then came to know that the application filed by the complainant for summoning of respondents under the provisions of 319 Cr.P.C has been dismissed by Ld. Court on 20.11.2023 then the application for getting certified copy of order dated 20.11.2023 was filed on 21.08.2024 and the same was prepared on 31.08.2024 and supplied on 03.09.2024 and thereafter the present revision petition is being filed beyond the period of 7 months limitation. Due to above said reasons, there is delay of 7 months in filing the revision and the revision is being filed today.

2. Reply was filed by respondent opposing the application on the ground that the reasons stated in the application are frivolous and fail to meet the legal requirements for invoking Section 5 of the Limitation Act, therefore the present application is liable to be dismissed. Illiteracy of a person is not a ground to condone the delay because a litigant must be obedient and vigilant to proceedings of Court especially initiated at their instance. Furthermore, the complainant and other witnesses are regularly appearing and monitoring the proceedings before Ld. Trial Court so, the facts narrated by them in this para of the application are mere a cooked up and deliberated story. Moreover, the applicant is required to explain even the day to day reason for delay which he has not explained in this

application as such his instant application is liable to be dismissed on the scores mentioned in para of this reply.

3. In the case at hand, the petitioner has filed revision petition against the order dated 20.11.2023 whereby the application to summon additional accused i.e. respondents in this case was dismissed. The revision petition has been filed after the delay of 7 months from the said order. The ground given is that the delay is due to illiteracy of the complainant and injured persons and they do not come to know about the said order. No doubt that delay of each and every date is not explained but given the general principal of law that matter should be decided on merits after giving due opportunity to both sides to put forward their claims. Reasonable opportunity should be given to parties to avail their legal remedies. Right to appeal/revision is an important right available to the parties which should not be declined on technical grounds. No doubt in the case at hand the delay is of 7 months but the revisionist/petitioner can be imposed with heavy cost for the delay. As such, application u/s 5 of Limitation Act is allowed and delay is condoned, subject to cost of Rs. 2,000/- to be deposited in DLSA. CRM is disposed of accordingly. Case be registered as CRR and be put up on 24.08.2026 for arguments. TCR be also summoned for the date fixed.

Date of Order: 20.07.2026
*Suresh Kumar, Steno Gr.III**

Pamelpreet Grewal Kahal
Addl. District & Sessions Judge,
Fazilka, UID No. PB00304