

IN THE COURT OF SESSIONS JUDGE, BULANDSHAHR
Present: Sanjay Singh-I, H.J.S.

Criminal Misc. Application No. 266 of 2026
Rinku and others vs. State of U.P. and another

10.07.2026

ORDER

1. Case called out.
2. Learned counsel for the applicants is present.
3. Learned counsel for the revisionists has moved Application Paper No. 5-B under Section 5 of the Limitation Act, 1963 seeking condonation of delay in preferring the present criminal revision. It has been contended that the delay is neither deliberate nor intentional. The revisionists had been regularly appearing before the Trial Court in Complaint Case No. 428 of 2024 and had filed their reply along with relevant documents. They bona fide believed that no order had been passed. Owing to incorrect information furnished by their previous counsel, they could not acquire knowledge of the impugned summoning order within the prescribed period. Upon acquiring knowledge of the said order and obtaining its certified copy on 04.04.2026, the present criminal revision was filed without any further undue delay. It is, therefore, prayed that the delay in preferring the revision be condoned and the revision be admitted for hearing on merits.
4. The Hon'ble Supreme Court in **Shri Basawaraj v. The Special Land Acquisition Officer**, AIR 2014 SC 746, has held that the expression "**sufficient cause**" occurring in Section 5 of the Limitation Act, 1963 should receive a liberal construction so as to advance substantial justice. The Court observed that sufficient cause is one for which the litigant cannot be blamed and where the party has not acted negligently, lacked bona fides, or remained inactive.
5. The Hon'ble Supreme Court in **Mool Chandra v. Union of India & Another**, (2025) 1 SCC 625, has further held that while considering an application under Section 5 of the Limitation Act, the decisive factor is not the length of the delay but the sufficiency of the cause shown. If the explanation constitutes **sufficient cause**, the delay deserves to be condoned irrespective of its duration.
6. Having considered the submissions advanced and the material available on record, this Court is satisfied that the explanation furnished by the revisionists constitutes sufficient cause within the meaning of Section 5 of the Limitation Act, 1963. The delay does not appear to be deliberate, intentional, or attributable to negligence. Accordingly, in the interest of substantial justice, Application (Paper No. 5-B) deserves to be allowed.

ORDER

Criminal Misc. Application No. 266 of 2026 is hereby allowed.

The delay in preferring the present criminal revision is condoned.

Put up on 17.07.2026 for hearing on the point of admission of the Criminal Revision.

10.07.2026

Shubham- steno

(Sanjay Singh- I)

Sessions Judge
Bulandshahar

