

In the Court of District & Sessions Judge, Shamli.
Presiding Officer- **Inder Preet Singh Josh, (Higher Judicial Service)**
(J.O. Code- UP1894)
CNR No **UPSM010029592025**
Criminal Misc. Case No.-84/2025

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|--------------------------------|---|
| 1. Pappu S/o Ramphal | Residence- Gram Bapoli |
| 2. Sanjo W/o Pappu | P.S. Sanauli, Panipat, Haryana. |
| 3. Surendra @ Kala S/o Ramphal | Residence-Chajpur Kalan |
| 4. Anil S/o Ramphal | Panipat, Haryana. |
| 5. Bunt @ Purushuttam | Residence- Dhanayan, M. Nagar. |
| S/o Brahamdas | |
| 6. Somindra S/o Dharamdas | Residence- Kateeq Basti, Ravidas Nagar, |
| | Panipat. |
| 7. Surajmal S/o ChotaRam | Bapoli, P.S. Sanauli, Panipat, Haryana. |
| |Applicants/Revisionists, |

Versus

- 1-State (Through D.GC. Criminal)
- 2- Sanjay S/o Bangali R/o Gram Jandhedi, P.S. Kairana, Distt. Shamli.
-Defendants.

17.04.2026- The case file is presented. On behalf of the Petitioner/revisionists, a revision petition was filed in this Court on 17.02.2025 against the order dated 19.07.2024 passed in Complaint Case No. 4639/2024, Sanjay vs. Pappu & others, along with an application under Section 5 of the Limitation Act and an affidavit requesting condonation of the delay in filing the revision petition.

The application under Section 5 of the Limitation Act, supported by an affidavit, states that the certified copy was received on The impugned order was passed in the absence of the revisionists, and thus, they were not informed about it. The revisionists came to know of the facts only from the complainant and obtained a certified copy from the court thereof on 15.02.2025. On these grounds, the revisionists prays for condonation of the delay and permission to file the revision petition.

Learned counsel for the defendants has raised oral objections to the aforesaid application and prayed for its dismissal.

Heard Learned Counsel for the parties and perused the records.

The revision petition against the Trial Court order dated 17.02.2025 was filed beyond the prescribed period, and an application for condonation of delay under Section 5 of the Limitation Act along with an affidavit was filed. The

revisionists contend in their application that they received the certified copy of the order on 15.02.2025, which caused the delay in filing the application. The revision was filed on 17.02.2025.

In the case of *Rahim Shah and others vs. Govind Singh and others, Live Granted Supreme Court 2023, INS C 651*, the Hon'ble Supreme Court held that if the delay is not excessive, the trial court should condone the delay, exercising a judicial and non-technical approach.

In the decision of the *Hon'ble Bombay High Court, Aurangabad Bench, in Writ Petition No. 0931/2018 dated 05.02.2019*, the court ruled that courts should adopt a liberal approach while condoning delay and consider the circumstances of the petitioner.

Therefore, considering the facts and circumstances and the legal principles set forth by the Hon'ble Supreme Court and Hon'ble High Court, and acknowledging the reasonable cause for the delay in filing the revision petition beyond the prescribed time, it is just and proper to condone the delay.

Accordingly, the application under Section 5 of the Limitation Act is allowed.

Order

The application under Section 5 of the Limitation Act is accepted. Accordingly, the criminal miscellaneous case is disposed of.

For hearing on the point of admission, list the matter on 05.05.2026.

17.04.2026

(Inder Preet Singh Josh)
Sessions Judge
Shamli