



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CrMMO No. 54 of 2026**  
**Date of Decision: 6.4.2026**

---

**Dinesh Chander Sharma**

**.....Petitioner**

**Versus**

**State of Himachal Pradesh**

**.....Respondent**

---

**Coram**

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

**Whether approved for reporting?**

**For the Petitioner:** Mr. Ajay Kochhar, Senior Advocate with Mr. Vivek Sharma, Advocate.

**For the Respondent:** Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.

---

**Sandeep Sharma, J. (Oral)**

**CrMP No.1165 of 2026**

By way of instant application, permission has been sought by the applicant/petitioner to carry out certain amendments in the prayer clause as well as title of the petition. Mr. Rajan Kahol, learned Additional Advocate General, while putting in appearance on behalf of the non-applicant/respondent fairly states that he has no objection in case prayer made in the application is accepted.

**2.** In view of the fair stand adopted by the learned Additional Advocate General coupled with the fact that amendments, as prayed for, if



allowed would not change the nature and complexion of the main petition, this court finds no impediment in allowing the application and as such, same is allowed and amendments, as sought for, are ordered to be carried out. The application is disposed of.

**CrMMO No. 54 of 2026**

**3.** Instant petition lays challenge to order dated 12.11.2025, passed by the learned Additional Sessions Judge-2, Una, in Criminal Revision No. 19 of 2024 (CNR No. HPUN01-002896-2023), whereby application filed under Section 5 of the Limitation Act, having been filed by the petitioner, for condonation of delay in maintaining accompanying criminal appeal, laying therein challenge to order dated 5.8.2023, passed by the learned Chief Judicial Magistrate, Una, District Una, Himachal Pradesh in case No. 22 of 2016 (*State of Himachal Pradesh v. Dinesh Chander Sharma*), came to be dismissed.

**4.** Precisely, facts of the case as have been highlighted in the petition and further canvassed by Mr. Ajay Kochhar, learned Senior Counsel, appearing for the petitioner is that court below while passing impugned order dated 2.1.2026, failed to take note of the fact that prior to filing of the appeal, which was barred by limitation, applicant had wrongly filed criminal revision petition under Section 397 of CrPC, laying therein



challenge to Judgment dated 5.8.2023, before the Chief Judicial Magistrate, Una, which remained pending till 12.11.2025, on which date, same was dismissed on the ground of maintainability. Mr. Kochhar, while making this court peruse pleadings as well as other material adduced on record, vehemently argued that immediately, after passing of judgment dated 12.11.2025, passed in Criminal Revision Petition, petitioner preferred appeal under Section 374 of CrPC in the court of learned Sessions Judge, Una, but since same was barred by limitation, an application under Section 5 of the Limitation Act was also filed, explaining therein delay, but court conveniently ignored the afore aspect of pendency of Criminal Revision Petition, dismissed the same on the ground that no plausible explanation has been rendered on record qua inordinate delay in explaining the delay.

**5.** Having heard learned counsel for the petitioner and perused the material available on record vis-à-vis reasoning assigned in the order dated 2.1.2026, thereby dismissing the application filed for condonation of delay, this Court is persuaded to agree with learned counsel for the petitioner that court below has fallen in grave error in as much as not taking into consideration the fact that prior to filing the appeal, which is admittedly barred by limitation, petitioner herein had filed Criminal Revision Petition, which remained pending adjudication till passing of order



dated 12.11.2025, on which date, court observed that Criminal Revision Petition is not maintainable. Immediately, after passing of afore order dated 12.11.2025, petitioner preferred appeal within prescribed period of limitation.

**6.** Since petitioner had explained each and every thing in the application qua his having chosen wrong forum and pendency of Criminal Revision Petition for a considerable time, there was no occasion, if any, for the court below, to dismiss the application on the ground that no plausible explanation has been rendered on record qua the inordinate delay in filing the accompany appeal.

**7.** Consequently, in view of the above, this Court finds merit in the present petition and accordingly, same is allowed and impugned order dated 2.1.2026, is quashed and set-aside and application filed under Section 5 of the Limitation Act, for condonation of delay, is condoned and thereafter, court is directed to hear the appeal on merit.

**8.** Learned counsel for the parites undertake to cause presence of their respective clients before the court below on **23.4.2026**, enabling the learned trial Court to proceed further with the matter in accordance with law.



9. The petition stands disposed of in the aforesaid terms, along with all pending applications.

**April 6, 2026**  
(manjit)

**(Sandeep Sharma),  
Judge**