

Gulfaam vs. State of H.P.

Cr.MP(M) No.2700 of 2025

25.11.2025 Present: Mr. Dheeraj K. Vashisht, Advocate, for the applicant.

Mr. Varun Chandel, Mr. H.S. Rawat and Mr. Mohinder Zharaick, Additional Advocates General, with Mr. Rohit Sharma and Ms. Ranjna Patial, Deputy Advocates General, for the respondent/State.

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Reply to the application not filed. Further adjournment for this purpose is not justifiable, as such, the right of the non-applicant to file reply to the application is closed by the order of the Court.

2. Applicant-Gulfaam has filed the accompanying revision petition against the judgment dated 02.06.2025, passed by the Court of learned Sessions Judge, Sirmaur, District Sirmaur, H.P., (hereinafter referred to as 'the Appellate Court'), in Criminal Appeal No.21/2022, titled as Gulfaam Vs. State of H.P.

3. Vide judgment dated 02.06.2025, the learned Appellate Court has dismissed the appeal filed by the applicant, against the judgment of conviction and order of sentence, dated 26.02.2022 passed by the Court of learned Chief Judicial Magistrate, Sirmaur, District Sirmaur, H.P., (hereinafter referred to as 'the trial Court'), in Criminal Case

No.36 of 2018, titled as State of H.P. versus Mohammad Gulfaam and others.

4. Vide judgment of conviction and order of sentence, dated 26.02.2022, the learned trial Court, has convicted Mohd. Gulfam (applicant) and his co-accused Majid for the offence punishable under Sections 457 and 380 read with Section 34 of IPC, and sentenced them to undergo simple imprisonment for a period of three years and to pay a fine of Rs.5,000/-each, for the offence punishable under Section 457 of IPC and in default of payment of fine, they have been directed to further undergo simple imprisonment for a period of three months. In addition to this, they have also been sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.5,000/-each, for the offence punishable under Section 380 of IPC and in default of payment of fine, they have been sentenced to further undergo simple imprisonment for a period of three months. The learned trial Court has also ordered that both the substantive sentences shall run concurrently.

5. As stated above, the appeal preferred by the applicant, before the learned First Appellate Court was dismissed and now, he has assailed the said judgment of conviction and order of sentence, as upheld by the learned

Appellate Court, by way of the accompanying revision petition.

6. Since the accompanying revision petition has been filed, after the prescribed period of limitation, as such, the present application for condonation of delay has been filed.

7. As per the application, there is delay of 58 days. The delay has been sought to be condoned mainly on the ground that after filing the appeal before the learned Appellate Court, he was out of station, as such, he could not contact his counsel. He has further pleaded that the applicant returned back in the month of October, 2025 and visited the office of his counsel at Nahan, who has apprised him, about the dismissal of the appeal and advised him to file the revision before this Court.

8. On the basis of the above facts, it has been pleaded that thereafter, he has obtained the certified copies of the judgment of learned trial Court, as well as, learned Appellate Court and has filed the present revision petition.

9. On the basis of the above facts, a prayer has been made to condone the delay.

10. Application is duly supported by the affidavit of the applicant.

11. The applicant has been convicted and sentenced by the learned trial Court, as referred above, and his appeal has also been dismissed.

12. Heard.

13. Considering the peculiar facts and circumstances of the present case, this Court is satisfied that the applicant is not going to achieve anything in not preferring the criminal revision, within the prescribed period of limitation, had he not been prevented to do so, for the reasons, as mentioned, in the application. There is nothing on the file to demonstrate the object, which the applicant is going to achieve in not preferring the revision within the prescribed period of limitation.

14. Consequently, the present application is allowed and the delay of 58 days in filing the accompanying revision petition is ordered to be condoned.

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15. Vide order of the even date, passed in Cr.MP(M) No.2700 of 2025, the delay in filing the revision has been ordered to be condoned.

16. Be registered.

17. **Admit.**

18. Call for the records.

Cr.MPST No.10514 of 2025

19. By way of the present application, indulgence of this Court has been sought to suspend the order of sentence dated 26.02.2022, passed by the learned trial Court.

20. The present revision, preferred by the applicant, has been admitted for hearing and it will take sufficient long time, for its decision.

21. Since, the revision, preferred against the judgment of conviction and order of sentence, as referred to hereinabove, is likely to take sufficient long time, for its disposal, as such, during the pendency of the present petition, the order of sentence is ordered to be suspended, subject to the following conditions:

(i) That the applicant shall furnish bail bond in the sum of Rs.50,000/-, along with one surety of the like amount, to the satisfaction of the learned trial Court, within a period of four weeks from today, with an undertaking that he will surrender before the learned trial Court to serve the substantive sentence, in case of ultimate dismissal of the present appeal, by this Court;

(ii) That the applicant shall deposit the fine amount, if not already deposited, within a period of four weeks.

(iii) The applicant shall not leave the territory of India without the prior permission of the Court.

22. Application is, thus, disposed of.

23. A copy of this order be sent to the learned trial Court, with a direction that the report of compliance of this order be submitted to this Court.

(Virender Singh)
Judge

November 25, 2025
(subhash)