

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP (M) No. 2814 of 2025

Reserved on: 16.1.2026

Date of Decision: 23.1.2026.

Rakesh Vaidya

...Petitioner

Versus

Yogesh Kumar Sood

...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Vacation Judge.

Whether approved for reporting?¹

For the Petitioner : Mr Jeet Singh, Advocate.

For the Respondent : None.

Rakesh Kainthla, Judge

The applicant/petitioner has filed the present application for condonation of the delay in filing the criminal revision. It has been asserted that the applicant/petitioner has assailed the judgment dated 9.6.2025 passed by learned Additional Sessions Judge-II, Shimla, vide which the judgment dated 6.5.2024 and order of sentence dated 9.5.2024 passed by learned Additional Chief Judicial Magistrate, Theog, District Shimla, H.P. (learned Trial Court) in Criminal Complaint No.

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

340-3 of 2017, titled Yogesh Kumar Sood Vs. Rakesh Vaidya was upheld. The applicant could not file the revision within the limitation because he was suffering from bodily pain due to the compression of the nerve. He recovered from the pain and thereafter applied for a certified copy of the order. The delay in filing the petition was not intentional but due to circumstances beyond the applicant's control. Hence, the application.

2. Heard.

3. The applicant filed a photocopy of the prescription slip (Annexure P-3), which shows that he was examined on 4.12.2025 and purchased some medicines on 5.12.2025. He has not filed any other document to show that he was suffering from any bodily pain on 9.6.2025 when learned Additional Sessions Judge-II, Shimla (learned Appellate Court) had announced the judgment. The record also shows that the applicant had sworn an affidavit in support of the application for condonation of delay on 27.11.2025, which means that he was in a position to visit Shimla on 27.11.2025 and swear on affidavit. He had applied for the certified copies of the judgments of the learned Trial Court on 26.11.2025 and the learned Appellate Court on 24.11.2025. Thus, he was in a position to impart instructions to

his counsel in November 2025. His subsequent ailment in December will not show that he was incapacitated from approaching the Court after the pronouncement of the judgment. Therefore, his plea that he had a sufficient cause for not filing the revision within time is not established.

4. As per the report of the Registry, the present revision is barred by 141 days. The applicant has failed to show any reasonable cause for condonation of delay; hence, the delay in filing the revision cannot be condoned.

5. In view of the above, the present petition fails, and it is dismissed.

Criminal Revision (ST) No. 11222 of 2025

Since the application for condonation of delay in filing the revision has been dismissed; therefore, the present revision is dismissed as barred by limitation. The miscellaneous application(s), if any, also stand disposed of.

(Rakesh Kainthla)
Vacation Judge

23rd January, 2026
(Chander)