

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Criminal Appeal (Sb) No. 369/2026

Jamna Lal

----Appellant

Versus

State Of Rajasthan

----Respondent

For Appellant(s)	:	Mr. RS Mankad
For Respondent(s)	:	Mr. SR Choudhary, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

23/02/2026

1. An application for condonation of delay under Section 5 of the Limitation Act has been moved at the behest of the appellants, it is submitted that the impugned order was passed behind the back of the petitioner, without his knowledge or opportunity of hearing, and consequently, he was unaware of the passing of the said order as he was in custody.
2. The law of limitation is essentially a rule of discipline, which mandates that an aggrieved party must challenge an order within the time prescribed by law. However, this principle operates only in cases where the party had actual or constructive knowledge of the order. Where an order is passed against a person without notice or audience, the limitation would commence only from the date on which such person acquires knowledge of the order. Once it is demonstrated that the petitioners approached the Court with reasonable promptitude upon gaining knowledge of the impugned order, the length of delay pales into insignificance. Justice cannot be allowed to be thwarted on technicalities when sufficient cause is shown.

3. In this view of the matter, the delay occasioned in filing the present appeal stands satisfactorily explained.
4. Accordingly, the application under Section 5 of the Limitation Act is allowed, and the delay of 337 days in filing the instant revision is condoned.
5. Admit.
6. Issue notice.
7. Call for the record.
8. Requisitions be given 'dasti' as well.

(FARJAND ALI),J

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