

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2217/2007

(From the judgement and order dated 14/09/2006 in CRLR No. 651/2002  
of The HIGH COURT OF DELHI AT N. DELHI)

HARBHAJAN SINGH BHALLA

Petitioner(s)

VERSUS

STATE OF DELHI & ORS.

Respondent(s)

(With appln(s) for permission to file addl. documents and office report )

Date: 16/11/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR  
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.  
Mr. Mr. Aseem Mehrotra, Adv.  
Mr. Sarvagya Sharma, adv.  
Mr. Abhijat P. Medh, Adv.

For Respondent(s) Mr. T.S. Doabia, Sr. Adv.  
Ms. Asha G. Nair, Adv.  
Mr. D.S. Mahra, Adv.  
  
Mr. Subhash Bansal, Adv.  
Mr. Sanjiv Sen, Adv.  
Mr. Praveen Swarup, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeal is allowed in terms of the signed order.

(Ajay Kr. Jain)  
Court Master

(Vijay Dhawan)  
Court Master

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRL. APPEAL NO. 1573 OF 2007  
(Arising out of SLP(Crl.) No. 2217 of 2007)

Harbhajan Singh Bhalla .... Appellant

Versus

State of Delhi & Ors. .... Respondents

ORDER

Heard learned counsel for the parties.

Leave granted.

By the impugned judgment and order the learned Single Judge of the High Court has dismissed the revision petition filed by the appellant herein being barred by limitation. Having regard to the facts and circumstances, we are of the opinion that the High Court ought to have condoned the delay of 91 days. In fact, in matter of condonation of delay, the Courts are liberal unless there are very compelling circumstances not to condone the delay.

Learned counsel for the respondent has taken us through the order of the Trial Court and the impugned order and tried to submit that the appellant herein had appeared before the Trial Court and made a statement on affidavit that the jewellery articles be returned to him, and therefore the appellant was aware of the judgment of the Trial Court. He further submitted that the appellant has filed a false affidavit. Learned counsel for the appellant also admits, that the facts have not been correctly disclosed in the affidavit.

Be that as it may, the fact remains that the High Court did not condone the delay of 91 days in filing the revision petition.

In the facts and circumstances of the case, we condone the delay of 91 days in filing the revision petition before the High Court and restore the Revision Petition on the Board of the High Court and remit the matter back to the High Court to hear and dispose of the criminal revision petition on merits. Since the Criminal Revision pertains to the year 2002, we request the High Court to dispose of the same expeditiously.

The appeal is allowed.

(A.K.MATHUR) .....J.

(MARKANDEY KATJU) .....J.

New Delhi  
November 16, 2007