

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL  
ON THE 31<sup>st</sup> OF July, 2025**

**CRIMINAL REVISION No. 2799 of 2025**

***KISHANLAL GURJAR***

***Versus***

***MAHINDRA AND MAHINDRA FINANCIAL SERVICE LIMITED***

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**Appearance:**

**Shri P.N. Das – Advocate for the applicant through V.C..**

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**ORDER**

This Criminal revision under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 has been filed by the applicant assailing the appeal judgment dated 28.10.2021 delivered by XXV Additional Sessions Judge, District Bhopal (M.P.) in Criminal Appeal No.62/2018 (Kishanlal Gurjar Vs. Mahindra and Mahindra Financial Service Limited) whereby the learned appellate Court dismissing the appeal has affirmed the judgment of conviction and order of sentence dated 07.12.2017 passed by Judicial Magistrate First Class, Bhopal in Criminal Case No.2323/2009 (Mahindra and Mahindra Financial Service Limited Vs. Kishanlal Gurjar) whereby the applicant was convicted for commission of offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo R.I. for one year and to

pay compensation Rs.6,61,556/- with default stipulations. Applicant being aggrieved and dissatisfied by judgments of the Courts below, has preferred this revision.

2. The applicant has filed I.A. No.17094 of 2025 – an application under Section 5 of the Limitation Act for condonation of delay in presentation of the revision.

3. The revision is barred by 1095 days i.e. a period of three years.

4. I have gone through the application for condonation of delay.

5. The impugned appeal judgment was passed on 28.10.2021 and the revision was required to be filed within 90 days from the date of appeal judgment; but same has not been filed in due time. The reasons assigned by the applicant in the application for condonation of delay is that he submitted an application on 18.12.2023 for settlement of the case and the loan amount has been settled. He was under the impression that the entire case has been settled. Thereafter he had gone for labour work. When the applicant gathered information from his local counsel then he was informed by the local counsel that the applicant has to get the impugned order quashed from the High Court by filing revision. In these circumstances, the delay of 1095 days has occurred. Thus, by tendering unconditional apology, it is prayed that the delay caused in presentation of the revision petition may be condoned.

6. Perused the record.

7. Law with regard to scope and jurisdiction of the Court in the matter of condonation of delay under Section 5 of the Limitation Act is well settled by Hon'ble the Apex Court and the various High Courts.

8. In the case of **Ramlal Vs. Rewa Coalfields Ltd.; AIR 1962 SC 361**, Hon'ble the Apex Court has held as under:-

“7. In construing Section 5 (of the Limitation Act), it is relevant to bear in mind two important considerations. The first consideration is that expiration of the period of limitation prescribed for making an appeal gives rise to a right in favour of the decree-holder to treat the decree as binding between the parties. In other words, when the period of limitation prescribed has expired the decree-holder has obtained a benefit under the law of limitation to treat the decree as decree-holder by lapse of time should not be light-heartedly disturbed. The other consideration which cannot be ignored is that if sufficient cause for excusing delay is shown discretion is given to the Court to condone delay and admit the appeal. This discretion has been deliberately conferred on the Court in order that judicial power and discretion in that behalf should be exercised to advance substantial justice.”

9. As regards meaning, scope and rationale of the law of limitation, Hon'ble the Apex Court in the case of **Pundlik Jalam Patil (Dead) by LRs. Vs. Executive Enginner, Jalgaon Medium Project and another; (2008) 17 SCC 448** has held as under:-

“26. Basically, the laws of limitation are founded on public policy. In Halsbury's Laws of England, 4th Edn., Vol. 28, p. 266, Para 605, the policy of the Limitation Acts is laid down as follows:

“605. Policy of the Limitation Acts.—The courts have expressed at least three differing reasons supporting the existence of statutes of limitation, namely, (i) that long dormant claims have more of cruelty than justice in them, (ii) that a defendant might have lost the evidence to disprove the stale claim, and (iii) that persons with good causes of actions should pursue them with reasonable diligence.”

27. Statutes of limitation are sometimes described as “statutes of peace”. An unlimited and perpetual threat of limitation creates insecurity and uncertainty; some kind of limitation is essential for public order. This Court in *Rajender Singh v. Santa Singh* [(1973) 2 SCC 705] has observed: (SCC p. 712, para 18)

“18. The object of law of limitation is to prevent disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches.”

28. In *Tilokchand Motichand v. H.B. Munshi* [(1969) 1 SCC 110 : AIR 1970 SC 898 : (1969) 2 SCR 824] this Court observed that this principle is based on the maxim “*interest reipublicae ut sit finis litium*”, that is, the interest of the State requires that there should be end to litigation but at the same time laws of limitation are a means to ensure private justice suppressing fraud and perjury, quickening diligence and preventing oppression.

29. It needs no restatement at our hands that the object for fixing time-limit for litigation is based on public policy fixing a lifespan for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies promptly. Salmond in his *Jurisprudence* states that the laws come to the assistance of the vigilant and not of the sleepy.”

**10.** While dealing with the scope of jurisdiction under Section 5 of the Limitation Act, as regards condonation of delay, Hon’ble the Apex Court in the case of **Lanka Venkateshwarlu (Dead) by LRs. Vs. State of Andhra Pradesh and Others; (2011) 4 SCC 363** has observed as under:-

“19. We have considered the submissions made by the learned counsel. At the outset, it needs to be stated that generally speaking, the courts in this country, including this Court, adopt a liberal approach in considering the application for condonation of delay on the ground of sufficient cause under Section 5 of the Limitation

Act. This principle is well settled and has been set out succinctly in Collector (L.A.) v. Katiji [(1987) 2 SCC 107] .

xxx ... xxx..

23. The concepts of liberal approach and reasonableness in exercise of the discretion by the courts in condoning delay, have been again stated by this Court in Balwant Singh [(2010) 8 SCC 685 : (2010) 3 SCC (Civ) 537] , as follows: (SCC p. 696, paras 25-26)

“25. We may state that even if the term ‘sufficient cause’ has to receive liberal construction, it must squarely fall within the concept of reasonable time and proper conduct of the party concerned. The purpose of introducing liberal construction normally is to introduce the concept of ‘reasonableness’ as it is understood in its general connotation.

26. The law of limitation is a substantive law and has definite consequences on the right and obligation of a party to arise (sic a lis). These principles should be adhered to and applied appropriately depending on the facts and circumstances of a given case. Once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both parties equally. Then alone the ends of justice can be achieved. If a party has been thoroughly negligent in implementing its rights and remedies, it will be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of his acting vigilantly.”

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28. We are at a loss to fathom any logic or rationale, which could have impelled the High Court to condone the delay after holding the same to be unjustifiable. The concepts such as “liberal approach”, “justice oriented approach”, “substantial justice” cannot be employed to jettison the substantial law of limitation.

Especially, in cases where the court concludes that there is no justification for the delay. In our opinion, the approach adopted by the High Court tends to show the absence of judicial balance and restraint, which a Judge is required to maintain whilst adjudicating any lis between the parties. We are rather pained to notice that in this case, not being satisfied with the use of mere intemperate language, the High Court resorted to blatant sarcasms.

29. The use of unduly strong intemperate or extravagant language in a judgment has been repeatedly disapproved by this Court in a number of cases. Whilst considering applications for condonation of delay under Section 5 of the Limitation Act, the courts do not enjoy unlimited and unbridled discretionary powers. All discretionary powers, especially judicial powers, have to be exercised within reasonable bounds, known to the law. The discretion has to be exercised in a systematic manner informed by reason. Whims or fancies; prejudices or predilections cannot and should not form the basis of exercising discretionary powers.”

**11. Hon’ble the Apex Court in the case of *Maniben Devraj Shah Vs. Municipal Corporation of Brihan, Mumbai; (2012) 5 SCC 157* has held in para 24 as under:-**

“24. What colour the expression “sufficient cause” would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.”

**12. Hon’ble the Apex Court in *Chief Post Master General and Ors. Vs. Living Media India Ltd. and Another; AIR 2012 SC 1506* has held that**

unless reasonable and acceptable explanation of delay and sufficient cause is shown, the application need not be accepted.

**13.** Hon'ble the Apex Court in **University of Delhi Vs. Union of India and Others; (2020) 13 SCC 745** has held that in the matter of condonation of delay & laches, the well accepted position is also that the accrued right of the opposite party cannot be dealt with lightly. The condonation of delay is an exception and should be used where lapse of time is not attributable to any laches or negligence of the appellant.

**14.** In the case of **State of M.P. and Others Vs. M/S Perfect Sales, Vineet Market, Jayendraganj, Lashker, Gwalior; AIR 2015 MP 161**, Bench at Gwalior of this Court has held that the appellant slept over the matter for 296 days and did nothing to assail the judgment of the subordinate Court. It shows careless attitude on the part of the appellant and there being no sufficient cause shown, the delay cannot be condoned.

**15.** In the case in hand, the delay in presentation of the revision is 1095 days and no reasonable explanation with sufficient cause has been given. The entire explanation given by the applicant depicts a casual approach, unlawful mind of law of limitation despite being aware of position of law. That apart, when there is such a long delay and there is no proper explanation, laches would also come into play while noticing as to the manner in which a party has proceeded before filing a revision.

**16.** In view of the aforesaid authoritative pronouncement of law as regards object, scope, extent, limitation and the discretionary power to be exercised under Section 5 of the Limitation Act laid down by Hon'ble the Apex Court, this Court is of the view that the delay of 1095 days caused in presentation of

the revision by the applicant is hopelessly barred by limitation as neither sufficient cause is shown in the application seeking condonation of delay nor the same is found to be the satisfaction of this Court.

**17.** Accordingly, **I.A. No.17094 of 2025** – application under Section 5 of Limitation Act seeking condonation of delay is hereby **dismissed**. Consequently, this criminal revision is also **dismissed**. No order as to costs.

**18.** Let a copy of this order be sent down to the Courts concerned.

**(DINESH KUMAR PALIWAL)**  
**JUDGE**

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