

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn 30 of 2023

For Petitioner (s)	: Mr. H. Deb, Advocate.
For Respondent(s)	: Mr. Raju Datta, PP.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

11.12.2023

This is an application under Section 482 of Criminal Procedure Code, against the order dated 02.09.2023 passed by learned Addl. Sessions Judge, Court No.2, West Tripura, Agartala in Case No. Crl.Misc(Condonation) 01 of 2023, allowing the petition under Section 5 of Limitation Act, for condoning the 338 days of delay for preferring the revision petition against the order dated 07.09.2021 in case No.CR.146 of 2016 passed by the learned Judicial Magistrate (1st Class), Court No.7, Agartala, West Tripura.

[2] It is the case of the petitioner that the present Respondent as Petitioner filed an application in the court of Learned Addl. Sessions Judge, Court No.2, West Tripura, Agartala under Section 5 of Limitation Act, for condonation of 338 days delay for preferring a revision petition against the order dated 07.09.2021 in Case No.CR.146 of 2016, passed by Learned Judicial Magistrate, 1st Class, Court No.7, Agartala. The delay condonation petition was registered by vide Case No.Crl.Misc. (Condonation) 01 of 2023. Learned Addl. Sessions Judge, without applying his mind, without calculation of the period of limitation without considering the non-supplying copy of Firisti/List of documents by petitioner, which were filed during pendency of delay condonation petition, to the respondent, accepted all the documents. The learned court below considered for passing the order on the basis of all the documents and without considering the written objection filed by Respondent No.1 (i.e. present petitioner), most illegally

and arbitrarily allowed the condonation petition on 02.09.2023. Aggrieved by the said action, the petitioner has approached this court for seeking reliefs.

[3] On perusal of the record, this court is of the view that the petitioner has not approached this court with clean hands. Moreover, the petitioner was represented by a counsel in CR.146 of 2016 before the Judicial Magistrate (1st Class) Court No.7, Agartala, West Tripura. The complainant in CR.146 of 2016 before the Judicial Magistrate (1st Class) Court No.7, Agartala, West Tripura was found absent on several dates of hearing i.e. on 06.11.2019, 21.11.2019, 16.01.2020, 27.02.2020, 13.05.2020, 29.06.2020, 15.01.2021, 26.04.2021 and 07.09.2021. On 07.09.2021 the learned court below dismissed the criminal case.

[4] When the matter was listed before Addl. Sessions Judge, Court No.2, West Tripura, Agartala bearing case No.Crl.Misc. Condo 1 of 2023, the present petitioner was again absent and by the impugned order dated 02.09.2023, the application for condonation of delay was allowed. It is evident from the record that the petitioner has not been found to assist the court in any of the stages till date. The petitioner has always kept himself away from the court proceedings just to make mockery of the law. This court is not inclined to see this act leniently.

[5] In view of the above discussion, the present criminal petition stands dismissed and the order dated 02.09.2023 passed by learned Addl. Sessions Judge, Court No.2, West Tripura, Agartala in Case No. Crl.Misc(Condonation) 01 of 2023 stands confirmed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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