

HIGH COURT OF TRIPURA
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IA No.01 of 2025 IN Crl. Rev P No.20 of 2025

Md. Amir Khan son of Md. Haorai Mia, resident of village Methirmia, Kamalpur, P.O. Manikbhandar, P.S. Kamalpur, District- Dhalai Tripura, Pin-799287.

..... Applicant(s)

V E R S U S

The State of Tripura

..... Respondent(s)

For Applicant(s) : Ms. Rumela Guha, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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30/04/2025

Heard Ms. Rumela Guha, learned counsel appearing for the applicant-petitioner and also heard Mr. Raju Datta, learned Public Prosecutor appearing for the respondents-State.

[2] There is a delay of 2210 days in preferring the instant revision petition against the judgment and order dated 14.12.2018 passed by the learned Additional Sessions Judge, Dhalai Judicial District, Kamalpur in Criminal Appeal No. 02 of 2018 whereby the learned Court has upheld the judgment of conviction and order of sentence dated 21.11.2017 passed by the learned Sub-Divisional Judicial Magistrate, Kamalpur in PRC(SP) No.07 of 2017 whereby the petitioner was convicted under Sections 279 and 304A of IPC and sentenced to undergo rigorous imprisonment for two years and further convicted under Sections 184 and 187 of the Motor Vehicles Act, 1988 with a simple imprisonment of one month upon him.

[3] Ms. Rumela Guha, learned counsel for the applicant submits that before pronouncement of the judgment in appeal on 14.12.2018 during the period his sentence was under suspension, the applicant had gone to Riyadh, Saudi Arabia in search of employment on 25.06.2018. He returned to India on 10.02.2025. Thereafter, he stayed at Hyderabad till 18.02.2025. He came to Kolkata on 18.02.2025 to appear in some interviews. Thereafter, he came to Agartala on 06.03.2025 and visited his lawyer on 08.03.2025. Then, for the first time, he learnt that his appeal was dismissed on 14.12.2018. After careful consideration, he has filed the criminal revision petition to assail the order of the Appellate Court. Delay in filing the appeal is not intentional. Petitioner is a layman completely unaware of the niceties of law. He has a fair chance to succeed in the instant revision petition. Therefore, the delay may be condoned and the revision petition may be heard on merits.

[4] An objection has been filed by the learned Public Prosecutor to the prayer for condonation of delay. Learned Public Prosecutor submits that upon dismissal of the appeal vide judgment dated 14.12.2018, petitioner had to surrender before the learned SDJM, Kamalpur within a month to suffer the sentence. He, however, had left the jurisdiction of not only the Trial Court but also the country and gone without permission to a foreign country in search of employment where he remained for six and half years. He thereby flouted the conditions of suspension of sentence as also the obligation to surrender before the learned Trial Court upon dismissal of the appeal. Such a conduct of a convict should not be condoned. Petitioner

having engaged his counsel to conduct the appeal could have contacted him over mobile phone also from Saudi Arabia or Riyadh to find out the outcome of the appeal. He has only manufactured a story to seek condonation of delay when the long hands of the law are after him. Therefore, prayer for condonation of delay may be refused.

[5] I have considered the submissions of learned counsel for the parties on the prayer for condonation of delay and taken note of the grounds urged in favour and in opposition thereto. It is clear that during the period of suspension of sentence by the learned Appellate Court, the petitioner was supposed to abide by the conditions of bail and not leave the jurisdiction of the Trial Court or go abroad without permission of the learned courts. He failed to surrender and evaded to serve the sentence by remaining outside the country for six and half years. The contention of the petitioner that he was unaware of the outcome of the appeal as he had left India about 6 months before the pronouncement of judgment is not worthy of acceptance since petitioner as a law abiding citizen was supposed to be conscious of the pendency of the appeal where the judgment of conviction and sentence imposed upon him was under consideration. Such a conduct of a convict cannot be condoned. It is informed that the petitioner has surrendered before the learned Trial Court on 10.04.2025.

[6] In totality of facts and circumstances discussed above, this Court does not find any reason to condone the delay of 2210 days in

preferring the instant revision petition as it is inordinate and the explanation is not fit to be accepted.

[7] Accordingly, the instant interlocutory application [IA No.01 of 2025] stands dismissed. The connected criminal revision petition [Crl. Rev P No.20 of 2025] is also dismissed.

(APARESH KUMAR SINGH) CJ

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