

THE HIGH COURT OF TRIPURA
A G A R T A L A

Crl. Rev. P. No. 93 of 2007

Petitioner :

Sri Sambhu Paul,
S/o. Late Basanta Paul,
Resident of Village-Mantribari Road,
P.S-West Agartala, Agartala,
District-West Tripura.

By Advocate :

Mr. Somik Deb, Adv.

Respondent :

The State of Tripura.

By Advocate :

Mr. A. Ghosh. P.P.

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **25th March, 2015.**

Whether fit for reporting :

Yes	No
	✓

J U D G M E N T & O R D E R(oral)

This case reflects a shocking state of affairs which clearly shows that the Presiding Officer who was the rank of a Additional Sessions Judge did not even care to see the file before passing the impugned order.

[2] Briefly stated the facts of the case are that a charge sheet was filed against the present petitioner and Sri Prabir Kr. Dhar in respect of G.R Case No.85 of 2001 and it was alleged that they had committed offences under Section 468/471/420/381 of the IPC. The trial Court frame charges against Sri Prabir Kr. Dhar under Section 427 IPC but discharged the present petitioner.

[3] Against the order of discharge the State filed a revision petition before the Sessions Judge on 06.10.2005. The revision petition was delayed by 7

months and 15 days and therefore an application for condonation of delay was also filed. The learned Sessions Judge first entertained the matter and issued notices but finally transferred the case to the Court of the Additional Session Judge. The Additional Session Judge also gave more than 20 dates in the case and on 09.04.2007 allowed the revision petition without even deciding the application for condonation of delay. On this short ground the impugned order is set aside. As noted in the order dated 06.10.2005 there was no properly constituted revision petition till the delay in filing the revision petition was condoned. Despite such order having been passed on 06.10.2005, on 09.04.2007 the Additional Sessions Judge wrongly allowed the revision petition without even deciding the application for condonation of delay.

[4] In view of the above discussion, the impugned order is set aside. The matter is remanded to the learned Additional Sessions Judge, West Tripura, Agartala, Court No.3 who shall first decide the application for condonation of delay and in case he condones the delay then shall decide the revision petition on merit. In view of the fact that the matter is a very old one and the trial of Sri Prabir Kr. Dhar has also been stayed for last almost 8(eight) years, I direct that both the parties should appear before the Additional Sessions Judge on 28th April, 2015 and thereafter the Additional Sessions Judge shall decide the application for condonation of delay latest by 15th May, 2015 and if the delay is condoned he shall decide the revision petition on merits by 30th June, 2015.

[5] Petition is disposed of in the aforesaid terms.

Send down the LCRs forthwith.

CHIEF JUSTICE