

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 1053 of 2015

1. Jayant Giri S/o Shri Choti Giri, aged about 42 years, R/o Village Dwaratrakala, Thana-Komakhan, Tahsil Bagbahhra, Civil & Revenue Distt. Mahasamund, (CG)

---- **Petitioner**

Versus

1. Collector/District Magistrate, Mahasamund, Distt. Mahasamund, (CG)

---- **Respondent**

For petitioner:

Shri Sunil Sahu, Advocate

For respondent:

Shri Arun Sao, Dy. Advocate General

SB: Hon'ble Shri Justice Pritinker Diwaker

Order on Board

15.12.2015

1. Challenge in this petition is to the order dated 17.9.2015 passed by the Additional Sessions Judge (FTC), Mahasamund in Criminal Revision No.H-49/2015 dismissing the revision as barred by limitation.
2. At the outset, counsel for the petitioner submits that he wants to withdraw this petition with liberty to avail the alternative remedy of filing appeal under Section 47-C of the Excise Act. However, he prays that the appellate authority may be directed to consider and decide the petitioner's appeal ignoring the point of limitation.
3. Counsel appearing on behalf of the State submits that let the petitioner file appeal before the appellate authority along with appropriate application seeking condonation of delay in preferring appeal and the same would be decided by the appellate authority in accordance with law .
4. In view of above submission, the petition is dismissed as withdrawn with the liberty aforesaid. In the peculiar facts and circumstances of the case, it is expected from the appellate authority to decide the appeal so preferred on its own merit ignoring the point of limitation.

Sd/-
(Pritinker Diwaker)
Judge

roshan