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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 19 OF 2015

K. N. M. Jeffry
major in age,
s/o K.N. K. Ahmed,
r/o K. N. House,
Bekal Vill,
Kottikulam, Distt. Kasargode,
Kerala. Petitioner

V e r s u s

State
Through CBI,
SCB, Mumbai,
having its office at
Dona Paula Goa. Respondent

Mr. E. O. Mendes, Advocate for the petitioner.

Mr. Joseph Vaz, Special Public Prosecutor for the respondent.

CORAM : K. L. WADANE, J

ORDER RESERVED ON : 23.04.2015

ORDER PRONOUNCED ON : 06.05.2015

O R D E R :

The accused no.3 in Criminal Case No. 64/S/2001/A has preferred this Revision Application against the order passed in Criminal Misc. Application No. 46/2012 dated 29.11.2014 by the Additional Sessions Judge, South Goa, Margao. By the aforesaid

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order, the delay of 151 days caused for filing the appeal against the order of acquittal is condoned. Hence, the above petition.

2. I have heard the arguments of Mr. E. O. Mendes, learned counsel appearing for the petitioner and Mr. J. Vaz, learned Special Public Prosecutor appearing for the respondent. Looking to the averments in the petition, it appears that the grievance of the present petitioner is that the Investigating Officer was not empowered to file the appeal or the application for condonation of delay. Therefore, the petition was liable to be dismissed. Secondly, it was contended on behalf of the petitioner that the application for condonation of delay ought to have been dismissed. But it was wrongly allowed.

3. I have perused the reasons recorded by the learned Additional Sessions Judge, from which it is seen that the learned Additional Sessions Judge, has considered the fact that the delay was caused for filing an appeal as the concerned file was moved from one place to another place and requires scrutiny by the officers of the respondent. Therefore, the delay has been caused. According to the Additional Sessions Judge, the delay occurred due to the administrative reasons. Therefore, it has been condoned. During the course of the arguments, Mr. E. Mendes, learned

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counsel appearing for the petitioner has argued that the Investigating Officer was not empowered to present the appeal nor there is any sanction to present the appeal. Further, looking to the reasons recorded by the Additional Sessions Judge, such issues are kept open. Therefore, the present petitioner can be very well argue such grounds before the Additional Sessions Judge. This Court is only concerned with the aspect as to whether the delay is properly explained or not. On going through the reasons recorded by the Additional Sessions Judge, it appears that the delay has been properly explained. It is common knowledge that the respondent is an Investigating Authority consisting of various officers. Therefore, the scrutiny of the appeal and proposal goes from one officer to another and ultimately takes time. In that process, obviously some time must have been consumed. In such circumstances, the delay caused for filing the appeal is properly explained. Hence, there is no substance in the present revision. Therefore, the Revision Petition is liable to be dismissed. Accordingly, it is dismissed and disposed of.

K. L. WADANE, J

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