

THE HON'BLE SRI JUSTICE RAJA ELANGO

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Crl.R.C. No.2673 of 2015

ORDER

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 04-06-2015 passed in Crl.M.P.No.589 of 2015 in Crl.A.SR.No.1886 of 2015 on the file of the Principal District & Sessions Judge, West Godavari District, Eluru, whereby the learned Principal District & Sessions Judge dismissed the condone delay petition.

Admittedly, the petitioner was convicted by the trial Court for the offence under Section 304-A I.P.C. The petitioner preferred the appeal with a delay of 51 days. The learned lower appellate Judge dismissed the condone delay petition. Aggrieved over the same, present application is filed.

This Court is of the view that when a person, who was convicted, wants to prefer an appeal, the delay in preferring such appeal can be condoned and such condoning the delay will not cause any prejudice to the respondent concerned. Hence, the Criminal Revision Case is disposed of with the following directions.

The petitioner is directed to file fresh application to condone the delay in preferring the appeal and on such application, the lower appellate Court is directed to condone the same and to hear the appeal and dispose of the same in accordance with law.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

05th November, 2015

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