

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2600 of 2014

ORDER :

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), challenging the order dated 11.12.2014, passed in CrI.M.P.No.68 of 2014 in the Criminal Appeal on the file of the Metropolitan Sessions Judge, L.B.Nagar, Cyberabad, Ranga Reddy District, wherein an application filed under Section 127 of Criminal Rules of Practice seeking condonation of delay in preferring the appeal against the order in D.V.C.No.19 of 2013 was rejected.

Though Mr.M. Satish Yadav, filed appearance on behalf of the second respondent herein, there was no representation on his behalf on 11.02.2015, hence the matter was posted under the caption 'for orders'. Even today, there is no representation on behalf of the second respondent. Hence, treating him as heard, this order is passed.

The second respondent herein filed D.V.C.No.19 of 2013 on the file of the XI Metropolitan Magistrate, L.B.Nagar, Cyberabad, seeking various reliefs under it. By order dated 02.08.2013, the said D.V.C., which was filed under Section 12 of the Protection of Women from Domestic Violence Act was partly allowed and the petitioners herein were desisted from committing any kind of domestic violence towards the second respondent herein. Apart from that, the first petitioner herein was directed to pay maintenance @ Rs.3,000/- per month each to the second

respondent herein and to her child from the date of petition, on or before 5th of every succeeding month and also to pay compensation of Rs.5 lakhs to the second respondent herein within a period of two months from the date of the order. Further, the husband was directed to pay Rs.10,000/- towards costs of the petition. Challenging the same, the petitioners herein filed the Criminal Appeal (not numbered) with delay. Along with the said appeal, the petitioners filed Crl.M.P.No.68 of 2014 seeking condonation of delay. The main ground on which the petitioners therein sought condonation of delay was that there was some communication gap between them and their counsel and as such they could not present the appeal in time. The appellate Court rejected the said Crl.M.P. on the ground that the petitioners failed to give sufficient reasons for the delay.

It is true that the petitioners have to explain day to day delay, but having regard to the fact that they have suffered an order, wherein, the first respondent therein was directed to pay maintenance and also compensation of Rs.5 lakhs, it would be just and reasonable if an opportunity is given to the petitioners to contest the appeal. It may be noted that even the order passed in D.V.C. was an *exparte* order. As stated earlier, there was no representation on behalf of the respondents and no counter is also filed opposing the same. Hence, the delay of 157 days in filing the appeal is condoned.

Accordingly, the revision is allowed.

As a sequel, Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.02.2015.

vhb