

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1881 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 26.08.2015, passed in CrI.M.P.No.1571 of 2015 in CrI.A.SR.No.6986 of 2015 on the file of the Metropolitan Sessions Judge, Hyderabad, whereby the learned Sessions Judge dismissed the condone delay petition filed by the petitioner.

The wife of the petitioner – 2nd respondent herein, filed DVC No.46 of 2012 before the III Metropolitan Magistrate, Hyderabad, against the petitioner and his family members, under Sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005. The trial Court passed order, dated 08.05.2014, granting protection order, residence order, maintenance of Rs.50,000/- and also compensation of Rs.10.00 lakhs to the 2nd respondent and directed the petitioner to pay the arrears and other amounts within two months from the date of that order. The petitioner preferred the appeal with a delay of 442 days. The learned lower appellate Judge dismissed the condone delay petition. Aggrieved over the same, the present revision is filed.

This Court is of the view that when a person wants to prefer an appeal aggrieved over the order passed by the Court below, the delay in preferring such appeal can be condoned and such condonation of delay will not cause any prejudice to the opposite parties. Hence, the Criminal Revision Case is disposed of with the following directions.

The petitioner is directed to file a fresh application before the lower appellate Court 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, as expeditiously as possible.

With the above directions, the Criminal Revision Case is disposed of. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

December 30, 2015.

KTL