

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 933 of 2016**

- Kalyan Singh Chandel S/o Late Sukhnandan Singh Aged About 58 Years R/o B-5, Amola Villa Colony Seepat Road, Mopka, Police Station Sarkanda, Post Mopka, Tahsil & District Bilaspur, Chhattisgarh Pin Code- 495001.

---- Applicant**Versus**

1. State Of Chhattisgarh Through Police Station Janjgir, District Janjgir-Champa, Chhattisgarh.
2. Ram Dularey Singh S/o Bahoran Singh Aged About 70 Years R/o Village Pacheda, Tahsil Janjgir, District Janjgir- Champa, Chhattisgarh.

---- Non-applicants

For Applicant	Shri N.K. Shukla, Sr. Advocate along with Ms. Vijay Laxmi Shroff, Advocate
For Respondent/State	Shri O.P. Sahu, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****03.10.2016**

1. The present Petition has been filed being aggrieved with the order of the acquittal dated 28.07.2010 passed by the Judicial Magistrate, First Class, Janjgir, District – Janjgir-Champa in Criminal Case No. 21/2008.
2. The relevant facts in the present case is that the Respondent No.2 was prosecuted for the offence under Section 188 IPC in a Criminal Case No. 21/2008 before the Judicial Magistrate and the Court below vide the impugned order dated 28.07.2010 acquitted Respondent No.2 from

the offence under Section 188 IPC.

3. Opposing the judgment dated 28.07.2010 the applicant has filed the present Revision now that is on 05.09.2016 with a delay of more than 2140 days. Today the matter has been listed for consideration of I.A. No. 1/2016 for condonation of delay.
4. The only reason assigned in the application for condonation of delay is that the Applicant in the instant case has misplaced his file and in the course the delay has occurred.
5. The said explanation by no means is acceptable reason for condonation of delay of more than 6 years.
6. True it is that a period of limitation has to be construed in a pragmatic manner. However, time is a significant factor for reconsideration of an order of acquittal and six years' time is definitely a very long period for reconsideration of the order of acquittal which has been passed in favour of Respondent No.2.
7. Thus, this Court does not find any plausible and just reason for condoning the delay caused in filing the present Revision Petition.
8. Accordingly, I.A. No.1 stands rejected.
9. Consequently, the Revision Petition also stands rejected.

Sd/-

**(P. Sam Koshy)
JUDGE**