

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 1119 of 2015**

1. Anil Kumar S/o Shri Madan Gopal Aged About 40 Years R/o Shailendra Nagar, Raipur, District Raipur Chhattisgarh.

**---- Applicant**

**Versus**

1. Yudhisthir Lal S/o Sant Late Shri Govind Ram Shadani R/o Shadani Darbazar, Boriyakala, Raipur, District Raipur Chhattisgarh.
2. Bharat Lal S/o Sant Late Govind Ram Shadani R/o Shadani Darbazar, Boriyakala, Raipur, District Raipur Chhattisgarh.
3. Brijendra Bhatnagar S/o Shri R.S. Bhatnagar R/o Hanuman Nagar, Raipur Chhattisgarh.
4. State Of Chhattisgarh, Through The District Magistrate, Raipur Chhattisgarh.

**---- Respondents**

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| For Petitioner             | : | Shri Raghvendra Pradhan, Advocate |
| For Respondents No.1 and 2 | : | Dr. Shailesh Ahuja, Advocate      |
| For Respondent No.3        | : | Shri M.K. Bhudari, Advocate       |
| For Respondent No.4/State  | : | Smt. M. Asha, Panel Lawyer        |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**  
**Order On Board**

**07/04/2016**

1. Heard on I.A.No.1/2015 for condonation of delay in filing the instant Cr. Revision.
2. The revision has been preferred after 909 days of its limitation.
3. Learned counsel for the respondents have opposed I.A.No.1/2015.
4. The revision has been preferred against the order passed by the 3rd Additional Sessions Judge, Raipur (CG) in Cr. Revision No. 75/2012 dated 5.2.2013 whereby and whereunder the Cr. Revision filed on behalf of the present respondent 1- Yudhisthir Lal was allowed and the prayer made on behalf of

respondent 2/revisioner 2 was dismissed.

5. It is submitted on behalf of the applicant by filing application for condonation of delay that the applicant/complainant is a businessman busy in doing his business that is why he could not get information about the status of the case and he could not get the knowledge about the order passed by the learned Sessions Judge partly allowing the revision in respect of respondent 1, so he could not approach this Court within time. Learned counsel supported the grounds taken in I.A.No.1/2015 and submitted that in the interest of justice, delay may not be looked into despite the matter may be heard on its merits.

6. For the appreciation of the entire arguments advanced, perused the impugned order dated 5.2.2013, the instant Cr. Revision and the grounds mentioned therein and other documents annexed.

7. From perusal of the impugned order dated 5.2.2013 it appears that the present applicant was duly represented before the learned revisional Court. Nothing has been said regarding the communication and result of the order by the learned counsel for the applicant before the Court below. With this, the applicant has deliberately concealed this fact that when he was informed by his counsel. The grounds taken in I.A.No.1/2015 goes to show that as the applicant was busy in doing his business that is why he could not get information about the status of the case. On the face of the record this argument cannot be accepted. Merely, being a businessman and busy in the business, cannot give him liberty to challenge the impugned order after 909 days of its limitation. Also from the perusal of the matter it goes to show that the instant Cr. Revision has been filed against the order passed in Cr. Revision by the Court below.

8. On due consideration of the entire facts and the reasons mentioned for the delay in filing the instant Cr. Revision, the applicant has not explained the delay satisfactorily so as to enable him to be heard on the matter on its merits. As the

delay is not satisfactorily explained, the same cannot be allowed.

9. Consequently, I.A.No.1/2015, application for condonation of delay in filing the instant Cr. Revision is hereby dismissed and accordingly, the Cr. Revision is also dismissed as not maintainable.

Sd/

**(Chandra Bhushan Bajpai)**  
**Judge**