

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1046 of 2016

1. Balram S/o Jhitru, aged about 26 years, R/o Village Chhotemurma, Tah. Jagdalpur, District - Bastar Chhattisgarh
2. Satyanarayan S/o Jhitru, aged about 24 years, R/o Village Chhotemurma, Tah. Jagdalpur, District - Bastar Chhattisgarh
3. Smt. Janki Wd/o Late Jhitru, aged about 65 years, R/o Village Chhotemurma, Tah. Jagdalpur, District - Bastar Chhattisgarh
4. Smt. Tulabati D/o Jhitru W/o Gulshan, aged about 30 years, R/o Village Chhotemurma, Tah. Jagdalpur, District - Bastar Chhattisgarh

---- Applicants

Versus

1. State of Chhattisgarh Through : District Magistrate Bastar, Civil and Revenue District Bastar Chhattisgarh

---- Respondent

For Applicants – Shri Keshav Dewangan, Advocate.

For Respondent – Shri Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

15/11/2016

1. The instant criminal revision has been preferred after 226 days of its limitation.
2. Heard on I.A.No.1/2016, application under Section 5 of Limitation Act for condonation of delay in filing the revision.
3. Learned counsel for the applicants prayed that they are facing trial before the Court of C. J. M. Jagdalpur and they have been charged for the offence under Sections 420, 467, 468 and 471 of the IPC. They have preferred application under Section 239 of the Code of Criminal Procedure, 1973 (in short 'the Code') before the concerned trial Court for discharging the applicants/accused. The said application was dismissed; and the

revision preferred by the applicants was also dismissed on 07-05-2016 by the Court of Sessions, Bastar at Jagdalpur in Criminal Revision No.13/16. They have preferred a petition under Section 482 of the Code before this Court. The said petition under Section 482 of the Code has been dismissed on 19-10-2016. The order passed in Cr.M.P. No.833/2016 they were granted liberty to file subsequent order of framing of charge against the petitioners. Thereafter, they have filed the instant criminal revision against the order passed by the trial Court for framing of charges.

4. Perused the material annexed along with the petition. It goes to show that against the order of framing of the charges, the applicants preferred Criminal Revision No.13/2016 wherein the Court of Sessions held that there are sufficient material to frame charges against the applicants and the basis taken by the revisioner cannot be appreciated without evidence. Hence, the Sessions Judge dismissed the said revision petition. Against the said revision, the petitioners opted to file Cr.M.P. No.833/2016 before this Court and on 19-10-2016 at outset prayed for withdrawal of the said Cr.M.P. with liberty to file the subsequent order of framing of charge against the petitioners. At the request of the applicants, said Cr.M.P. was disposed of as withdrawn.

5. On perusal of the above facts, it appears that initially the petitioners proceeded to file a Cr.M.P. under Section 482 of the Code. Thereafter, they prayed for withdrawal of said Cr.M.P. to file subsequent order of framing of charge against the petitioners. Thereafter, they have not proceeded to file another Cr.M.P. They have preferred a revision before this Court barred by limitation by 226 days. The applicants are well aware of charges framed against them, no any reason given to file the instant revision petition after barred by limitation by 226 days. It is duty of the applicants to satisfy the delay for filing the instant criminal revision.

6. On due consideration, as the applicants failed to satisfy the reason for delay since 23-12-2015, i.e., the date on which charges were framed. In the considered view of this Court, as the applicants failed to demonstrate satisfactory cause of delay of 226 days, I.A.No.1/2016 being devoid of substance is dismissed as not maintainable also the instant criminal revision stands dismissed being barred by limitation by 226 days.

7. The revision dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge