

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**  
**CRIMINAL REVISION CASE No.1633 OF 2016**

**ORDER:**

1. This Criminal Revision Case is filed by the petitioner challenging the order dated 2.2.2016 passed in CrI.M.P.No.185 of 2015 in unnumbered Criminal Appeal of 2015 by the Principal Sessions Judge, Prakasam Division, Ongole.
2. The petitioner filed the above CrI.M.P. before the learned Principal Sessions Judge, Ongole, seeking to condone the delay of 723 days in filing the Criminal appeal against the Judgment dated 26.7.2013 passed by the III Additional Judicial Magistrate of First Class, Ongole, in S.T.C.No.23 of 2012. The learned Sessions Judge dismissed the above CrI.M.P. Aggrieved by the same, the petitioner filed this revision.
3. Heard and perused the material available on record.
4. In the above STC, the petitioner was tried for the offence under Sections 171(E), 188 IPC and Section 123 of R.P. Act and he was acquitted for the said offence. The trial Court while acquitting the petitioner-accused directed for confiscation of M.O.1-cash of Rs.25 lakhs to the Government. Aggrieved by the said confiscation order, the petitioner filed the above Criminal Appeal along with the above CrI.M.P. seeking to condone the delay in filing the appeal.
5. The reason assigned by the petitioner for the said delay is that he went to Karnataka State to eke out his livelihood and therefore, he could not approach his advocate and he is not aware of the order of the trial Court as to the confiscation of the amount.
6. Learned Counsel for the petitioner submitted that the petitioner was acquitted by the trial Court and that the petitioner has a good case

to establish that he is entitled to claim the amount of Rs.25 lakhs and therefore, the delay may be condoned.

7. The learned Additional Public Prosecutor submitted that the amount in question will be handed over to the income tax department and after due enquiry, it should be given to the person concerned on the directions given by the authorities concerned.

8. Considering the facts and circumstances of the case, without expressing any opinion regarding the contentions raised by both the Counsel, this Court is inclined to pass the following order:

“The order under revision is set aside and the above Crl.M.P. is restored. The learned Principal Sessions Judge, Ongole, is directed to condone the delay and hear the appeal and pass appropriate orders in accordance with law.”

9. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

---

**JUSTICE RAJA ELANGO**

Date : 27.6.2016

Nn

**HONOURABLE SRI JUSTICE RAJA ELANGO**

-  
-  
-  
-  
-  
-  
-  
-

**CRIMINAL REVISION CASE No.1633 OF 2016**

**DATED 27.6.2016**

**Nn**