

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.780 of 2016

ORDER :

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), against the order of dismissing an unregistered appeal on the ground that the appellant failed to explain the delay of 35 days in filing the appeal.

By an order dated 08.08.2014, the Joint Collector, Warangal, in his proceedings No.E.C.A.C.No.24 of 2014, ordered confiscation of 50% value of seized stock in favour of the Government. The appeal was directed to be filed within 30 days from the date of receipt of the said order. Challenging the same, the accused filed an appeal along with an application under Rule 127 of Criminal Rules of Practice, to condone delay of 35 days in preferring the appeal. The learned Sessions Judge dismissed the said application on the ground that the petitioner has not made out sufficient cause for condoning the delay of 35 days. Challenging the same, the present revision came to be filed.

Learned counsel for the petitioner mainly submits that the petitioner was unwell and as such he could not prefer an appeal within time. It is true that no medical certificates are filed to prove his sickness, but at the same time, this being the case where nearly 50% of the value of the seized stock was directed to be confiscated in favour of the Government, it would be appropriate if the matter is decided on merits.

Accordingly, the order under challenge is set aside and the matter is remanded back to the Court of Sessions Judge, Warangal, directing him to number the appeal and pass orders on merits, after hearing both the parties, as expeditiously as possible.

Accordingly, the Criminal Revision Case is allowed and remanded.

JUSTICE C. PRAVEEN KUMAR

16.03.2016
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