

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1320 of 2016

ORDER:

This Criminal Revision Case, under Section 397 read with 401 of Cr.P.C is filed the petitioners/respondents aggrieved by the order, dated 11.04.2016, in CrI.M.P No.924 of 2014 in unregistered Criminal Appeal passed by the Principal District & Sessions Judge, Nalgonda.

2. The aforementioned M.P is filed by the State under Rule 127 (1) of Criminal Rules of Practice to condone the delay of 75 days in preferring the appeal against the judgment of acquittal, dated 25.06.2012, in C.C.No.341 of 2010 passed by the Judicial Magistrate of First Class, Tungaturthy. The learned Judge after considering the material on record, allowed the petition. Aggrieved by the same, the present revision is filed by the petitioners/accused.

3. Learned counsel for the petitioners submits that the delay has not been properly explained; that even after return of appeal, the appeal was re-presented with a delay of more than 21 months that too without any petition and the same was allowed by the lower appellate Court and prays to set aside the order.

4. This Court heard and perused the material available on record.

5. At the first instance, the State filed the appeal along with an application to condone the delay of 75 days in filing the appeal. The appeal as well as the application was returned for compliance of some objections without specifying any time for resubmission of the appeal. Therefore, it cannot be said that there is a delay of 21 months in re-presenting the appeal. The learned Judge after considering the reasons assigned by the prosecution and following the judgment of the Hon'ble Apex in **State of Nagaland Vs. Lipok AO & Others**^[1],

condoned the delay in preferring the appeal.

6. This Court is of the view that the order passed by the Court below does not suffer from any infirmity warranting interference by this Court.

7. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this revision case shall stand closed.

RAJA ELANGO, J

JULY 14, 2016

YVL

THE HON'BLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-

CRIMINAL REVISION CASE No.1320 of 2016

Date: 14.07.2016

YVL

[\[1\]](#) ALT (Criminal) 2005 (2) 181