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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 559/2016 & Crl.M.A. 13193/2016 (Stay)

QAYYUOM Petitioner

Through Mr.R.P.S. Bhatti, Adv.

versus

STATE & ANR. Respondent

Through Mr.G.M. Farooqui, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

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26.08.2016

Crl.M.A. 13195/2016 (Exemption)

Application is allowed subject to just exceptions.

Crl.M.A. 13194/2016 (Delay)

The present revision petition has been filed along with an application under Section 5 of the Limitation Act seeking condonation of delay in filing the revision petition. The explanation given in filing the application for condonation of delay reads as under:

“That the respondent after filing her petition U/S 125 Cr.P.C. did not come to the court for about three years and therefore, the revisionist could not feel or understand the urgency of the matter.”

I have heard the learned counsel for the petitioner as well as learned APP for the State and have gone through the law.

The limitation for filing the revision petition is prescribed under the statute. It is not dependent on the conduct of the opposite party. The petitioner under the law of limitation is duty bound to file the revision petition within the prescribed period of limitation. The non-filing of the revision petition on the ground that he did not feel or understand the urgency of the matter, does not show a sufficient cause for not filing the revision petition within the prescribed time.

Consequently, the application Crl.M.A. 13194/2016 for condonation of delay is dismissed.

Crl.Rev.P. 559/2016

As the application for condonation of delay has already been dismissed, as a result the present revision petition is dismissed being barred by limitation.

Crl.M.A. 13193/2016 (Stay)

Since the revision petition has been dismissed, the present application for the grant of stay is also disposed of.

P.S.TEJI, J

AUGUST 26, 2016
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