

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 140 of 2014**

1. Narayan S/o Bod Ram Aged About 29 Years R/o Village Bataikela, Tah. Kansabel, Distt. Jashpur C.G.
2. Raiwati S/o Bod Ram Aged About 36 Years R/o Village Bataikela, Tah. Kansabel, Distt. Jashpur C.G.

---- Petitioners**Versus**

1. Arjun S/o Sukru Aged About 60 Years R/o Village Premnagar, Bataikela, Tah. Kansabel, Distt. Jashpur C.G.
2. Padu S/o Arjun Aged About 28 Years R/o Village Premnagar, Bataikela, Tah. Kansabel, Distt. Jashpur C.G.
3. Munu S/o Pito Aged About 50 Years R/o Village Premnagar, Bataikela, Tah. Kansabel, Distt. Jashpur C.G.
4. Fulobai W/o Arjun Aged About 55 Years R/o R/o Village Premnagar, Bataikela, Tah. Kansabel, Distt. Jashpur C.G.
5. Jema W/o Padu Aged About 25 Years R/o Village Premnagar, Bataikela, Tah. Kansabel, Distt. Jashpur C.G.

---- Respondents

For the Petitioners	: Shri A.K. Prasad, Advocate.
For the Respondents	: Shri Harish Khuntiya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.07.2017**

1. Heard on I.A. No.1 of 2017, an application for urgent hearing.
2. Considering the grounds mentioned in the application, the same is allowed.
3. Learned counsel for the petitioners submits that being aggrieved by the order passed by the Sub-Divisional Magistrate, Bagicha, District Jashpur dated 12.2.2013, a revision petition was filed before the Court of Sessions

Judge, Jashpur. The revision petition was dismissed by order dated 4.9.2013 mentioning the reason that the revision was time-barred and the petitioners have failed to produce the documents in support of the grounds of delay i.e. the injury and treatment of petitioner No.1. Hence, this petition.

4. It is submitted that petitioner No.1 – Narayan got head injury and had to take a long treatment. The documents of his medical treatment and admission in the hospital are available, however they could not be filed before the Court below by the counsel appearing for the petitioners. Hence, this is a *bona fide* mistake on the part of the petitioners regarding non-production of the documents and that the petitioners had grounds in their favour for condonation of delay. Hence, this petition may be allowed and the case be remanded back to the Sessions Court, Jashpur to consider the revision petition on merits.

5. Learned counsel for the respondents has not opposed the petition and the arguments submitted in this behalf.

6. Considering the facts and circumstances of this case, particularly that the grounds of delay mentioned by the petitioners for condonation of delay before the Revisional Court was not supported by the documents whereas the documents are available with the petitioners, it would be appropriate to remand the case back to the Revisional Court with a direction to consider the application for condonation of delay afresh after production of the documents in support of the application. Hence, this petition is allowed. The impugned order dated 4.9.2013 is set aside and the matter is remanded back to the Sessions Court, Jashpur for consideration on the application for

condonation of delay in filing the revision and in case the Sessions Court is of the opinion that the application has to be allowed, then consider and decide the case on merits in accordance with law.

7. Accordingly, this petition stands disposed of at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge