

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 962 of 2016

Rajendra, S/o. Gulab Singh, Aged About 44 Years, Caste -Aghariya, R/o. Village Rasota, Police Station -Balouda, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. Krishna Kumar Narmada, S/o. Sudan Singh, Aged About 50 Years
2. Shivkumar Narmada, S/o. Badan Singh Narmada, Aged About 53 Years
3. Shanti Bai, W/o. Krishna Kumar Narmada, Aged About 45 Years
4. Devendra Singh, S/o. Krishna Kumar Narmada, Aged About 21 Years
5. Nanku Narmada, S/o. Krishna Kumar Narmada, Aged About 19 Years,
6. Ramnarayan, S/o. Santram, Aged About 22 Years, Caste Bareth,

All are by Caste Aghariya, R/o. Village Rasouta, Police Station Balouda, District Janjgir-Champa, Chhattisgarh

-----Respondents

For Petitioner	: Mr. Pushpendra Kumar Patel, Advocate
For Respondents	: None present even when the case is called in second round.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/09/2017

1. This petition has been brought under Section 482 of Cr.P.C. challenging the order dated 06.06.2016 of Sessions Judge, Janjgir in M.J.C. No.47/2016, by which the revision petition was dismissed on the ground of delay.
2. Petitioner had filed a complaint before the Court of Judicial Magistrate First Class, Akaltara, District – Janjgir-Champa. The case was posted

for evidence before charge on 27.09.2014, because of non-appearance of the witnesses of petitioner/complainant, the opportunity for adducing evidence before charge was closed. Revision was filed before the Sessions Court along with application under Section 5 of the Limitation Act for condonation of delay, which was registered as M.J.C. No.47/2016. By order dated 06.06.2016, application for condonation of delay was rejected. Consequently, the revision petition was also rejected, hence this petition.

3. It is submitted by the learned counsel for the petitioner, that trial Court has arbitrarily closed the opportunity of the petitioner/complainant in the case and that revisional Court should also have taken a liberal view in the interest of justice, hence prayed that petition be allowed.
4. Heard the appearing counsel and perused all the documents placed on record.
5. The application for condonation of delay presented by the petitioner before the Revisional Court mentions that on the date of hearing on 27.09.2014, petitioner/complainant was present in the Court, whereas, his Advocate was not present and the opportunity for adducing evidence, before charge was closed. Hence, there was sufficient cause which should have been taken into consideration by the revisional Court. The order dated 27.09.2017 mentions the appearance of the complainant himself without represented by any counsel this had been sufficient cause for condonation of delay.
6. Revisional Court by rejecting the application under Section 5 of Limitation Act has committed an error, hence, the impugned order dated 06.06.2016, passed by Revisional Court is set-aside. The

revision petition is restored to its original number and revisional Court is directed to consider the revision petition on merits in accordance with law.

7. This petition is disposed of with aforesaid direction.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram