

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Revision Case No.3051 of 2016

ORDER:

Heard both sides.

Perused the impugned dismissal order in CrI.M.P.No.1522 of 2016 dated 21.09.2016 to condone the delay of 139 days passed by the lower appellate Court in entertaining the appeal filed by the victim/defacto-complainant for the offences u/ sec. 498-A IPC and Section 3 and 4 of the Dowry Prohibition Act, against the acquittal judgment of the learned Magistrate dated 07.01.2016.

On perusal of the affidavit petition for the delay of 139 days, it is mentioned that she is residing in Bangalore being a Doctor by avocation and because of the professional work unable to pursue the matter for not having acquainted with the advocates practicing at Hyderabad and there are chances of success, thereby the delay to be condoned.

It is the submission from the counter in opposing the petition by the accused-persons that against the acquittal judgment dated 07.01.2016 to sit in appeal even there are no merits and the allegation of she has no acquaintance with the advocates at Hyderabad is far from truth and the appeal with delay condonation is filed with an ulterior motive and the inordinate delay cannot be condoned. It is also one of the submissions that immediately after the acquittal judgment she applied for certified copy.

Heard and perused the rival contentions referred supra. The approach required is pragmatic and liberal. Having obtained certified copy it is highly unbelievable of she waited without filing appeal but for some other cause behind that which she explained saying because of lack of

acquaintance to explore for the advocate to be engaged, there occurred a delay.

Having regard to the above, the revision is allowed by setting aside the impugned dismissal order of the lower appellate Court in CrI.M.P.No.1522 of 2016 dated 21.09.2016 by condoning the delay and by directing to number the appeal if otherwise in order subject to maintainability of the appeal, else to return for presentation before the appropriate Court therefrom.

Dr. B. SIVA SANKARA RAO, J

Date:02.02.2017
Vvr

