

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.964 of 2017

ORDER:

Heard the petitioner as party in person no other than 1st respondent to Crl.M.P.No.1420 of 2016 before the lower Court covered by the impugned order dated 10.02.2017 in unnumbered criminal appeal to condone the delay of 211 days. The revision 1st respondent, who filed the application representing Bajaj Auto Finance Limited as Deputy Manager from the authorization-cum-power of attorney given by it in his favour in filing the petition and prosecuting the matter, even registered notice served by personal service, the same is returned as left, service held sufficient taken as heard and also the heard the learned Public Prosecutor representing the State and perused the impugned order.

The application to condone the delay is in 6 lines saying from the acquittal judgment in C.C.No.706 of 2010 dated 30.06.2015, the appeal could not be filed within one month therefrom for concerned sanction papers in receiving from Head Office, Pune, that resulted the delay of 211 days that is to be condoned. The detailed counter is filed by the revision petitioner as 1st respondent in opposing the petition. In fact when applied for certified copy of judgment and when obtained and when addressed to the Head Office if at all to accord permission to file appeal and when such permission is received not even mentioned in the petition to condone the delay, though the impugned order reflects the law of the pragmatic approach required. Once these material facts are lacking that too 211 days though otherwise

length of delay is not consideration, the allowing of application is unsustainable.

Having regard to the above and in the result, the criminal revision case is disposed of by setting aside the impugned order and the application is restored back to the file of the learned Metropolitan Sessions Judge, by giving opportunity to file any better particulars in this regard to prove the delay of 211 days is covered by justifiable reasons or causes and not wanton. Needless to say the appeal pending to be treated for all purposes as unnumbered appeal and any sanction required for proceeding with the appeal also to decide therefrom since appeal against acquittal.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.04.2017
ska

