

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.247 of 2017

ORDER :

Aggrieved by the order dated 24.01.2017 in CrI.M.P.No.147 of 2016 in un-numbered Criminal Appeal of 2016 passed by the Principal Sessions Judge, Khammam, this revision is filed by the petitioners.

Heard both sides and perused the impugned order and also the material on record.

Though right of appeal is a statutory right provided under Section 29 of the Protection of Women from Domestic Violence Act, 2005, once there is a delay, it is to be reasonably explained. No doubt, it is not the period of delay but for any reasonable explanation for the pragmatic approach from the fundamental principle that no person will casually allow the limitation to expire in seeking the statutory remedy and from the pragmatic approach required and from the reasons assigned, the trial Court instead of dismissing could have been allowed, subject to payment of costs.

Having regard to the above, the Criminal Revision Case is allowed setting aside the impugned order dated 24.01.2017 in

CrI.M.P.No.147 of 2016 in un-numbered Criminal Appeal of 2016 passed by the Principal Sessions Judge, Khammam and CrI.M.P.No.147 of 2016 is allowed by restoring the rejected un-numbered appeal, subject to payment of costs of Rs.10,000/- (Rupees Ten thousand only) to be deposited before the Superintendent of the lower appellate Court and out of which Rs.5,000/- shall pay to the 2nd respondent herein and Rs.5,000/- to the State owned orphanage, within the District or State, as the case may be, within one week from the date of receipt of copy of this order, failing which, the impugned order holds good for all purposes.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:11-04-2017

Dr. B. SIVA SANKARA RAO, J

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