

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.R.C. NO.187 OF 2017

ORDER:

This revision is filed under Section Sections 397 and 401 of Cr.P.C. challenging the order dt.06.11.2016 in CrIM.P.No.886 of 2016 in unregistered criminal appeal, passed by the Principal Sessions Judge, Warangal refusing to condone delay of 208 days in filing the appeal against the acquittal.

2. The petitioner is the de facto complainant and she lodged complaint with the police against the respondents 2 to 6 and the same was registered and after investigation filed charge sheet before the III Addl.J.F.C.M., Warangal which was registered as C.C.No.402 of 2015 and after full-fledged trial, the trial court found the respondents 2 to 6 not guilty and acquitted them for the offences punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act by judgment dt.28.09.2015 in C.C.No.402 of 2015.

3. Aggrieved by the acquittal, the de facto complainant/petitioner preferred an appeal before the District Court along with petition to condone delay of 208 days in filing the appeal, on the ground that she was suffering from ill-health and gynaec problem and therefore, she could not contact her counsel to file an appeal within the time. But, the Sessions Judge dismissed the petition on the ground that C.C. was disposed off on 28.09.2015 and the D.V.C. filed by the petitioner was also disposed off on 7.09.2015, but, she did not file any proof in support of her contention that she was suffering from ill-health and that she has no knowledge about the judgment passed by the trial Court.

4. The judgment in C.C.No.402 of 2015 was pronounced on 28.09.2015 by the III Addl.J.F.C.M., Warangal and she made an application for certified copy on 3.12.2016, received on 6.12.2016. But, the appeal was preferred with further

delay and the cause for the delay was ill-health. But, she did not produce any proof in support of her contention i.e. suffering from ill-health.

5. The present revision is filed on various grounds. During hearing, learned counsel for the petitioner did not appear and represent the matter. However, in criminal revision case, this court even in the absence of counsel, can peruse the record and pass appropriate orders. Therefore, having no other alternative except to dispose of the revision by verifying the record available, as per decision in NISHA SHARMA AND OTHERS v. VINOD KUMAR SHARMA¹

6. Therefore, persuaded by the judgment of Delhi High Court, without waiting for the counsel for the petitioner, I would like to decide the revision pending before this court.

7. The only contention raised before this court is that the petitioner is unaware of passing the judgment by the learned magistrate finding the respondents 2 to 5 not guilty for the offences punishable under Section 498-A IPC and Sections 3 and 4 of D.P. Act and that she was suffering from ill-health i.e. gynaec problem. The petitioner was examined as witness before the magistrate and she is pursuing the matter and she also pursued D.V.C. before the same court and both the cases were dismissed. But, she did not file appeal aggrieved by the judgment in C.C.No.402 of 2015 on account of lack of knowledge and suffering from ill-health allegedly. Ignorance of law is not excusable and the other ground is ill-health which is not substantially supported by any material. Therefore, the court below did commit no error in dismissing the petition declining to condone delay of 208 days in filing the appeal and I find no merit in the revision warranting interference by this court while exercising power under Sections 397 and 401 Cr.P.C. Hence, the revision is liable to be dismissed at the stage of admission.

¹ 1990 Cr.L.J. (NOC) 57 (Delhi)

8. In the result, the criminal revision case is dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

M.SATYANARAYANA MURTHY,J

DATE:04-09-2017

ccm



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