

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.R.C.M.P.No.2722 of 2017

IN/AND

CRIMINAL REVISION CASE No.1699 OF 2017

COMMON ORDER:

Crl.R.C.M.P.No.2722 of 2017 is filed under Section 5 of Limitation Act to condone delay of 306 days in filing the criminal revision against the order dated 19.05.2016 in Crl.M.P.No.997 of 2015 in M.C.No.249 of 2015 passed by the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge-cum-IX Additional Metropolitan Sessions Judge, Hyderabad on the ground that the petitioner is paying the partial maintenance amount of Rs.5,000/- monthly to both the respondents as per his capacity and in terms of the order passed by the Court below with a hope that during the course of time, the 1st respondent may change her mind for the sake of child and settle the issue amicably, he did not choose to challenge the order till today. Hence, there is a delay of 306 days in filing the present revision case.

The cause shown by the petitioner that his expectation of change in the mind of 1st respondent in due course of time and the petitioner himself admitted that he is paying Rs.5,000/- per month as maintenance to the respondents in terms of the direction issued by the Court below, as interim maintenance, he is aware about the adverse order passed against him. But he did not choose to file a revision against such order with a hope that the 1st respondent may change her mind and join with him for the sake of the child. Such cause is not sufficient cause, as it is not a cause beyond his

reasonable control. Therefore, I find no ground to condone delay on mere asking without any sufficient cause though the Courts construe the cause liberally to condone the delay when sufficient cause is shown, but when no cause is shown, this Court cannot condone the delay as held by the Apex Court in **Lanka Venkateswarlu (D) by L.Rs. v. State of A.P. and Others**¹. Therefore, by applying the principle laid down in the above judgment, the abnormal delay of 306 days in filing the criminal revision case cannot be condoned.

In the result, Crl.R.C.M.P.No.2722 of 2017 is dismissed. Consequently, Crl.R.C.No.1699 of 2017 and the miscellaneous petitions, if any, stands dismissed.

M. SATYANARAYANA MURTHY, J

Date: 12.09.2017
ssp

¹ AIR 2011 SC 1199