

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.R.C(MP) NO.3215/ 2017 in CrI.R.C.No.2010 of 2017
and
CRIMINAL REVISION CASE No.2010 of 2017

COMMON JUDGMENT:

CrI.R.C.MP.No.3215 of 2017

This Petition is filed under Section 5 of Limitation Act to condone delay of 425 days in filing the CrI.R.C against the Order dt.01.02.2016 in CrI.A.No.676 of 2014 passed by the Special Judge, for trial of offences under SCs and STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge at Secunderabad, affirming the conviction and sentence passed by the VII Special Magistrate, Hyderabad in C.C.No.23 of 2014.

No representation on behalf of the petitioner

It is the contention of the petitioner that he is a private employee and suffering from viral fever and throat infection and he was of the opinion that the petition was allowed, so he could not contact his counsel and on 10.07.2017 he came to know through his counsel at Hyderabad that the petition was dismissed on 01.02.2016 and that too when the police came to arrest him and later he filed the present revision before this Court. Therefore, there is delay of 425 days in filing the revision.

As seen from the allegations made in para No.4 of the affidavit, it is his case that he is a private employee and suffering from viral fever and throat infection, but suffering from viral fever and throat infection for 425 days cannot be accepted as a sufficient cause in the absence of any medical certificate in support of the his contention. In the absence of such certificate, it is difficult to accept that the petitioner was prevented by sufficient cause, which is beyond

his control, and thereby the alleged cause shown by the petitioner to condone the delay, which prevented him from filing a revision against the concurrent findings recorded by the trial Court and Appellate Court, cannot be accepted and hence, the petition is liable to be dismissed.

Accordingly, this CrI.R.C.MP.No.3215 of 2017 is dismissed and consequently, the CrI.R.C.No.2010 of 2017 is rejected.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

Date: 01-08-2017.
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M. SATYANARAYANA MURTHY, J



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CRL.R.C(MP) NO.3215/ 2017 in Crl.R.C.No.2010 of 2017

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Dt. 02-08-2017

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