

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.R.C.M.P.No.2171 of 2017

IN/AND

CRIMINAL REVISION CASE No.1343 of 2017

COMMON ORDER :

Crl.R.C.M.P.No.2171 of 2017 is filed under Section 5 of the Limitation Act to condone delay of 286 days in preferring the revision.

2. The revision is filed against the order, dated 30.03.2016, in Crl.M.P.No.2 of 2017 in F.C.M.C.No.25 of 2015 passed by the Judge, Family Court-cum-IV Additional District Judge, Kurnool.

3. The ground urged in the affidavit filed along with the petition to condone delay at para 5 reads as under:

“I humbly submit that in obtaining the C.C. of the exparte orders Dt.30-3-2016, and in taking back the returned bundle from the registry of the Hon'ble Family court, there occurred a delay of 286 days in approaching and filing Crl.Revision case before this Hon'ble Court.

4. The ground urged in the petition at para 5 extracted above is not clear whether the delay occurred on account of return of the bundle by the Judge, Family Court or by this Court and what ever may be the reason the present revision is filed on 28.04.2107, whereas the order was pronounced on 30.03.2016 and copy application was made on 28.02.2017 and made ready on 16.03.2017. Therefore, the delay is

nearly one year in filing the revision, but no reason is mentioned for condoning delay except making a bald allegation without any meaningful reference in para 5 of the affidavit. In the absence of any reason, much less sufficient cause, this Court cannot condone delay on mere asking in view of law declared by the Apex Court in **Lanka Venkateshwarlu (dead) by L.Rs. v. State of Andhra Pradesh and others**¹, wherein the Apex Court held that the concepts such as ‘complete justice’, ‘justice oriented approach’, ‘substantial justice’ cannot be employed to jettison the substantial law of limitation. By applying the principle laid down, when the Court found no ground, much less sufficient ground to condone delay, the Court cannot order such petitions on terms.

5. Accordingly, Crl.R.C.M.P.No.2171 of 2017 is dismissed. Consequently, Crl.R.C.No.1343 of 2017 is rejected.

6. Miscellaneous petitions pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

2nd August 2017.

mar

¹ (2011) 4 SCC 363