

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.974 OF 2017

ORDER:

Heard learned counsel for the petitioner and also the public prosecutor representing the State.

2. It is the submission from the merits of the trial court judgment that there is a case to consider in appeal, though it is not the sole consideration to condone the delay, but for a pragmatic approach if at all required to adopt for the 891 days delay in this case. It is not the length of time, but the explanation if any. Only explanation offered for the entire period is after the conviction judgment from the alleged shocking of the result to his consciousness, he went in depression, also lost his job and in those precarious conditions, he could not even for no proper advise chose to go to the appellate court.

3. Having regard to the above and in the result and subject to costs of Rs.5,000/- to be deposited before the lower appellate court within one week from date of receipt of the order, to remit the amount to any orphanage owned or running by the Government in the District or within the State concerned, the Revision is allowed, setting aside the dismissed order of the lower court in CrI.M.P.No.1490 of 2016, dated 28.02.2017, and by allowing the petitioner by directing the lower appellate court to number the appeal, if

otherwise in order. It is made clear that if the amount is not deposited, as directed supra, within one week from date of receipt of the order, the order of the lower court holds good.

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

DR.B.SIVA SANKARA RAO,J

07.04.2017
SS

