

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.R.C.M.P.No.3568 of 2017

AND

Crl.R.C.No.2220 of 2017

JUDGMENT:

Crl.R.C.M.P. is filed under Section 5 of the Limitation Act to condone abnormal delay of 637 days in filing the revision on the ground that the 1st petitioner has no source of income and having financial difficulty to maintain herself and her children and that her father , who is earning Rs.10,000/-, was not in a position to assist her financially to file revision and that apart she is unaware of legal procedure to approach this Court to file revision against the 2nd respondent and thereby she was prevented by sufficient cause and prayed to condone the delay.

As seen from the allegations made in the affidavit more particularly contentions in para 4, The reason for her failure to file revision immediately is due to lack of funds, which can never be a ground, since the Court is providing legal aid to the parties, who are in not in a position to maintain themselves, subject to their eligibility under Section 12 of the Legal Services Authorities Act. Therefore, lack of funds is not a ground to condone abnormal delay of 637 days in filing revision.

The other ground raised in this revision is that she is unaware of the legal procedure. Learned counsel for the petitioner filed maintenance case. Even otherwise, ignorance of law is not an excuse. Therefore, ignorance of procedure to file revision against the order is also not a sufficient ground, which allegedly prevented the petitioner to prefer revision within the time allowed by the law. As such, it is difficult to conclude that the petitioner was prevented by sufficient cause that means a cause which is beyond her reasonable control. Therefore, the delay in filing the revision cannot be condoned.

Accordingly, the CrI.R.C.M.P is dismissed and consequently, the CrI.R.C is rejected.

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

M. SATYANARAYANA MURTHY J

Date: 02.08.2017
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