

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 910 of 2018**

1. Anuj Kumar Ekka S/o Dil Sai Aged About 30 Years R/o- Village Sur, Police Station Seetapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Atul Kumar Kujur S/o Chain Sukh Kujur Aged About 34 Years R/o- Village Gurtuma, Police Station Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ---
Petitioners

Versus

1. State of Chhattisgarh through- Collector, Surguja, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Silbanus Tirkey S/o Gendu Tirkey Aged About 56 Years R/o- Village Dharampur (Kannapara), Seetapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ---
Respondents

For Petitioner : Mr. Bharat Sharma, Advocate

For Respondent No.1/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.07.2018

1. The instant petition is against the order dated 14.03.2018 passed by the III Additional District Judge, Ambikapur, District Surguja (C.G) in Criminal Revision No.10/2018 whereby the revision preferred by the petitioners u/s 397 read with section 401 of Code of Criminal Procedure has been rejected on the ground of delay.
2. Learned State Counsel submits that as per the instructions, only one victim exists to have been affected. Learned State Counsel after perusal of the case diary is making conscious statement. Therefore, this court, accepts the submission

made by the learned State Counsel.

3. Perused the order dated 14.03.2018. By the said order the revision which was filed by the petitioner u/ss 397, 399 of Cr.P.C., read with section 5 of the Limitation Act was dismissed on the ground that the revision preferred by the petitioner was barred by limitation.
4. The revision was against the dismissal of application u/s 320(2) of Cr.P.C., whereby the petitioners sought for quashment of complaint on the ground of compounding offence. It is contended that some monetary transaction was existing between the parties and the amount of Rs.70,000/- which was received by the petitioner was refunded, therefore, no offence is made out as against the allegation that the money was taken for providing employment.
5. Be that as it may, the order shows that application u/s 320 subsection (2) of Cr.P.C., was dismissed on 17.08.2017 and the certified copy of the said order was applied on 29.9.2017. Thereafter, the revision was preferred after lapse of 90 days. The court below took a view that since in the affidavit a wrong date has been stated, no bonafide reasons have been assigned.
6. Taking into consideration the background of the case and the statement of the complainant, no useful purpose will be served to continue the proceedings, as such, the case is remitted back to the appellate court for adjudication afresh as no orders on merits have been passed.
7. Considering the totality of the facts situation of the case, the

delay in filing the revision is condoned. Accordingly, the case is remitted back to the court below for adjudication on merits.

8. With the above direction/observation, this petition stands finally disposed.

**Sd/-
(Goutam Bhaduri)
Judge**

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