

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.450 of 2018

ORDER:

Heard both the parties.

The present revision case came to be filed against the order of dismissal of a petition filed to condone the delay of 230 days in preferring the criminal appeal filed against the judgment of acquittal.

The facts in brief are that the petitioner herein filed a complaint against the respondents stating that the 1st respondent induced him to join as a subscriber in the chit run by him and obtained a blank signed cheque, promissory note and receipt from him as security at the time of receipt of bid amount. Accordingly, the chit amount was settled and the petitioner issued a cheque for an amount of Rs.40,000/- and paid cash of Rs.1 lakh to the 1st respondent. Subsequently, he noticed missing of two cheques from his house and filed a report before the police and a requisition before the bank authorities requesting to stop the payments. Thereafter, he realized that the 2nd respondent in collusion with other accused misused the cheques, promissory note and receipt. The said complaint, after referring to the concerned police under Section 156 (3) Cr.P.C., was registered as Crime No.415 of 2009. After investigation, a charge sheet was filed. After taking cognizance of the offence,

the case came to be numbered as C.C.No.1495 of 2013. After full-fledged trial, respondent Nos.2 to 5 have been acquitted by judgment dated 16.08.2014. Aggrieved by the same, the petitioner filed a criminal appeal on the file of the Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar. Since there is a delay of 230 days, CrI.M.P.324 of 2015 came to be filed to condone the said delay and the same was dismissed by order dated 21.02.2017. Aggrieved by the same, the present revision case is filed.

The point that arises for consideration in the present revision case is:

Whether the petitioner has properly explained the said delay of 230 days by giving cogent reasons?

In the delay condonation petition, the petitioner has stated that he was suffering with Jaundice and as such he could not file the appeal within the stipulated period. However, no proof was filed before the lower appellate Court to show that he was suffering with jaundice.

On the other hand, the respondents filed a counter stating that the petitioner was convicted in C.C.No.21 of 2009 by the Special Mobile Court, Sangareddy, Medak District, and was sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.10,000/-. Aggrieved by the same, the petitioner filed CrI.A.No.95 of 2014 before the Principal District Judge, Medak at Sangareddy and he was prosecuting and attending the said appeal. If really the petitioner was

suffering with jaundice, he could not have attended and pursued the criminal appeal filed by him. Though the counter affidavit has been filed with specific reason, the same was not rebutted by the petitioner.

Be that as it may, when the petitioner was suffering with jaundice that too for such a prolonged period, nothing prevented him from filing documentary evidence to prove the same. In these circumstances, this Court does not find any irregularity or illegality in the impugned order passed by the lower appellate Court, dismissing the delay condonation application. As such, there are no merits in the revision case and the same is liable to be dismissed.

Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 07.08.2018.
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