

THE HONOURABLE SRI JUSTICE P. KESHA RAO

CRLR.CMP.No.1422 of 2017 IN/AND
CRL.RC.No.877 of 2017

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

CRLR.CMP.No.1422 of 2017 is filed to condone the delay of 402 days in filing the criminal revision case.

CRL.RC.No.877 of 2017 is filed against the orders dated 16.11.2015 passed in MC No.36 of 2012 on the file of the Family Court, Judge, Ranga Reddy District, at L.B.Nagar directing the petitioner herein to pay monthly maintenance of Rs.3,000/- to the respondent No.1 herein and Rs.4,000/- each to the respondents 2 and 3 herein.

In the affidavit filed in support of the delay condonation petition, the petitioner has stated that he met with an accident on 2.3.2014 and sustained injuries to the right ankle with multiple abrasions over right elbow, right knee, left knee, left elbow and right wrist. He was admitted as in patient in Yashoda Hospital on 2.3.2014 and surgery was done on 3.3.2014.

From a perusal of the certificate enclosed along with the petition, it would indicate that he was discharged from the hospital on 5.3.2014. Therefore, he could not contact his counsel. In fact, when he has contacted his counsel, he was informed that the MC was disposed of on 16.11.2015 and was advised to file the revision.

Therefore, he immediately requested the counsel to obtain the certified copies of the orders passed in MC No.36 of 2012 and after obtaining the same, the present Criminal Revision Case is filed. In that process, there is a delay of 402 days in filing the above petition.

A perusal of the affidavit would indicate that after discharge from the hospital, he was advised to take bed rest for six months. Admittedly, he was discharged from the hospital, as per the certificate enclosed herewith, i.e., on 5.3.2014. However, after a period of six months from the discharge, what happened is not narrated in the affidavit. Further, when he contacted his counsel is also not mentioned in the affidavit filed in support of the delay petition. Except saying that, when he contacted the counsel, he was informed that MC was disposed on 16.11.2015, nothing has been mentioned in the affidavit.

On a perusal of the affidavit, it is clear that the petitioner is very negligent and callous in pursuing the matter.

In these circumstances, this Court feels that no indulgence can be shown to condone the delay of 402 days in filing the present criminal revision case.

In view of the above, there are no merits in the matter and the same is liable to be dismissed and accordingly, CrI.RCMP.No.1422 of 2017 is dismissed.

Consequently, Criminal Revision Case No.877 of 2016 is rejected.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs

JUSTICE P. KESHA RAO

Date: 4.6.2018

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