

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.1004 OF 2018

ORDER:

This revision is filed to set aside the docket order dated 12.01.2018 passed in CrI.M.P.No.1454 of 2017 in CrI.A.(SR) No.6062 of 2017 by the Principal District and Sessions Judge, West Godavari, Eluru.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

As per the records produced before this Court, an application to condone the delay of 45 days was filed before the Court below. The 1st petitioner gave an affidavit stating that he was authorized to file an application on behalf of other accused and as he was suffering from fever he could not file the appeal within the stipulated time. The Court below while observing that the petitioners are required to explain day to day delay and the same was not explained dismissed the application.

The 1st petitioner is the right person to state the circumstances with regard to the delay caused. There is a justification in the reason assigned by him.

Therefore, the impugned order dated 12.01.2018 is set aside and the delay in filing the criminal appeal as prayed for is condoned.

The Criminal Revision Case is accordingly allowed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

11th April, 2018.
ssp