

THE HON'BLE SRI JUSTICE P. KESHA RAO  
CRIMINAL REVISION CASE NO. 2122 OF 2010

ORDER:

Heard the learned counsel for the petitioner.

2. The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.778 of 2010 in unnumbered Criminal Appeal dated 24.8.2010 on the file of the Court of the Sessions Judge, Guntur, dismissing the petition filed to condone the delay of 136 days in filing the appeal.

3. The facts in brief are that respondent No.1 herein filed D.V.C.No.7 of 2008 against the petitioner on the file of the Court of the Special Mobile Magistrate, Guntur. Learned Magistrate, by orders dated 17.12.2009, allowed the said DVC, granting maintenance at Rs.2,000/- p.m. to respondent No.1 from the date of the order. Aggrieved by the said orders, the petitioner filed an appeal before the learned Sessions Judge, Guntur. Since there is a delay of 136 days, he filed CrI.M.P.No.778 of 2010 to condone the same. The said petition was dismissed on 24.8.2010, against which, the present Criminal Revision Case is filed.

4. Learned counsel appearing for the petitioner, strenuously contended that the learned Sessions Judge committed an error in dismissing the petition though the delay has been properly

explained. Apart from the same, the right of appeal is a statutory remedy available to the petitioner and the same cannot be deprived of on mere technicalities. He also contended that the maintenance awarded is contrary to the provisions of the Domestic Violence Act, 2005.

5. Having heard the learned counsel for the petitioner and from the perusal of the material on record, it is revealed that the orders in D.V.C.No. 7 of 2008 were passed on 17.12.2009. However, the reasons mentioned by the petitioner to condone the delay of 136 days that he was in judicial custody in another criminal case and he suffered with Jaundice, were all prior to the passing of the orders. As far as the explanation of the delay subsequent to passing of the order in DVC.No. 7 of 2008, there is no whisper in the petition. Therefore, this Court does not find any merit in the submissions made by the petitioner. As such, there is no irregularity or illegality in the orders passed by the Court below in dismissing the petition filed to condone the delay of 136 days.

6. As contended by the learned counsel for the petitioner that though the said delay is not abnormal and his right to file a statutory appeal will be defeated, still the petitioner is expected to give reasonable grounds for condoning the delay. When the petition is bereft of any plausible reasons for

condoning the delay, this Court is not inclined to accept the said request.

7. According, the Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA RAO,J

Date: 18.9.2018

KPM

