

**HON'BLE SRI JUSTICE P. KESHA RAO**

**CRIMINAL REVISION CASE No.1797 of 2018**

**ORDER:**

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent State.

The present revision case is filed questioning the orders dated 15.05.2018 passed in CrI.M.P.No.1027 of 2017 in CrI.A.S.R.No.4412 of 2017 on the file of the learned Principal Sessions Judge, West Godavari, Eluru, in dismissing the petition filed to condone the delay of 228 days in preferring the appeal.

The facts of the case are that the petitioner is the sole accused in C.C.No.120 of 2010 for the offences under Sections 409, 420, 467, 468, 471 and 477-A IPC on the file of the Court of the Judicial Magistrate of First Class, Chintalapudi. On trial, the petitioner was convicted for the above said offences by judgment dated 31.10.2016. Aggrieved by the same, the petitioner filed an appeal in the Court of the learned Principal Sessions Judge, West Godavari, Eluru. However, as there is a delay of 228 days in filing the said appeal, he filed CrI.M.P.No.1027 of 2017 to condone the said delay. The said petition was dismissed by orders dated 15.05.2018. Aggrieved by the same, the present revision case is filed.

Learned counsel appearing for the petitioner would contend that the subject bundle was mixed up with other records in the office of the counsel. Therefore, the appeal could not be filed in time.

The learned Public Prosecutor appearing for the respondent State fairly conceded that the statutory right of the petitioner cannot be deprived of, more so, when the delay is not abnormal.

Having regard to the said submissions and a perusal of the material on record, it is revealed that CrI.M.P.No.1027 is filed to condone the delay of 228 days in preferring the appeal against the conviction orders passed against the petitioner. Filing of an appeal is a statutory right conferred on the petitioner. Though the petitioner has not explained the delay on day to day basis, but still in the peculiar facts and circumstances of the case, this Court deems it appropriate to condone the said delay.

Accordingly, the criminal revision case is allowed, setting aside the orders passed in CrI.M.P.No.1027 of 2017 in CrI.A.S.R.No.4412 of 2017 dated 15.05.2018 and consequently delay of 228 days in preferring the appeal is condoned. However, learned Principal Sessions Judge, West Godavari, Eluru, is directed to take up the appeal on record and proceed further.

Miscellaneous petitions, if any, shall stand closed.

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**P. KESHAVA RAO, J**

Date: 12.07.2018.  
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