

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Criminal Revision Case No.2965 of 2018

ORDER:

This Criminal Revision Case is arising out of the order dated 04.10.2018 in CrI.M.P.No.136 of 2018 passed by the District Judge, Anantapuram.

2. The revision petitioner is the husband of respondent No.2. He has filed a petition for condonation of delay of 131 days in filing the Criminal Revision Petition before the trial Court and the trial Court dismissed the said petition. Aggrieved by the impugned order, this revision has been preferred.

3. Heard the arguments of the learned counsel for the petitioner, learned Additional Public Prosecutor representing the respondent No.1-State and the learned counsel for respondent No.2.

4. Learned counsel for the petitioner submits that the petitioner was not aware of the passing of impugned order and therefore, after coming to know about that he has applied for the certified copies and that was the reason for delay in filing the revision before the trial Court.

5. Learned counsel for respondent No.1 submits that the contention of petitioner that he came to know about the

order only on 29.03.2018 is false and therefore, there was no sufficient ground to condone the delay in preferring the revision before the trial Court. Learned trial Judge observed that the docket order shows that notice was served to the respondent, but he remained *ex parte* and if the petitioner contends that no notice was served to him, he has to prove the same. Therefore, on these grounds the revisional Court has dismissed the petition. Learned counsel for respondent No.1 submits that the revision petitioner has filed this petition only to drag on the proceedings before the trial Court.

6. Learned counsel for the petitioner submits that he filed the petition for condonation of delay of 131 days in filing the Criminal Revision Petition before the trial Court. Since this revision is arising out of the order passed by the trial Court, dismissing the petition filed for condonation of delay of 131 days in filing the Criminal Revision Petition, the revision petitioner has tried to explain the delay by stating that he had no knowledge about the proceedings taken place and after knowing it he filed the certified copies and that was the reason explained by him for condonation of delay.

7. In the facts and circumstances of the case, to give an opportunity to the petitioner to contest the matter, this Criminal Revision Case is allowed by setting aside the order passed by the trial Court in Crl.M.P.No.136 of 2018 dismissing the petition for condonation of delay. The petitioner is directed to pay costs of Rs.5,000/- (Rupees five thousand only) to respondent No.1 within fifteen (15) days from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

24.12.2018

GUDISEVA SHYAM PRASAD, J

Note: Issue C.C. by 26.12.2018

(B/O)
MVA

