

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPURCRMP No. 380 of 2020

- Shyamcharan S/o Nanhu Ram Madhukar Aged About 38 Years R/o Jaistambh, Shukrawari Bazar, Birgaon, Raipur, Tehsil And District- Raipur, Chhattisgarh.

(Revisionist)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rani Tarai, District- Durg, Chhattisgarh.

(Non-Revisionist)

---- Respondent

For Petitioner	:	Mr. Yogesh Kumar Chandra, Advocate
For State	:	Mr. Rahul Jha, Government Advocate

Hon'ble Shri Justice Sanjay K. AgrawalOrder on Board07/02/2020

1. The petitioner's application filed under Section 451 of the Code of Criminal Procedure (henceforth 'Cr.P.C.') was rejected by learned Judicial Magistrate First Class, Patan vide order dated 07/01/2019 against which, he preferred revision before learned 6th Additional Sessions Judge, Durg on 11/06/2019 with a delay of 65 days. That revision has been rejected by the revisional Court on the ground that application for condonation of

delay was not filed by the petitioner while preferring the revision, against which this petition under Section 482 of Cr.P.C. has been filed by the petitioner.

2. Learned counsel for the petitioner would submit that the revisional Court ought to have granted time to file the application for condonation of delay, which the revisional Court has not granted and straightway dismissed the revision.
3. Learned State counsel would oppose the submission made by learned counsel for the petitioner.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and went through the record with utmost circumspection.
5. It is true that revision was filed with a delay of 65 days but the revisional Court ought to have granted an opportunity to file the application for condonation of delay, it was not done and the revision petition was dismissed.
6. In view of that, the impugned order dated 29/10/2019 is set-aside and the matter is restored to the file of 6th Additional Sessions Judge, Durg. The petitioner is at liberty to file the application for condonation of delay within ten

working days from today. If such an application is filed within ten working days, the revisional Court shall consider and decide the matter afresh in accordance with law.

7. Hence, the petition under Section 482 of Cr.P.C. is allowed to the extent indicated hereinabove.

Sd/-
(Sanjay K. Agrawal)
Judge

Vishakha