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HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 377 of 2020

1. Dhaneshar Ram (Wrongly Mentioned Dhanesh Ram In Ann. A/1.) S/o Bhagirathi Ram, Aged About 25 Years, R/o Village- Daldali, P.S. Masturi, District Bilaspur, C.G., District : Bilaspur, Chhattisgarh
2. Shailendra Kumar S/o Jagat Ram, Aged About 26 Years, R/o Village- Daldali, P.S. Masturi, District Bilaspur, C.G., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through- SHO, Police Station Masturi, District Bilaspur, C.G., District : Bilaspur, Chhattisgarh

----Respondent

For Applicants – Shri Raj Kumar Gupta, Advocate.

For State/Respondent – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 07-12-2019 passed by the Additional Sessions Judge (FTC) Bilaspur, District Bilaspur, Chattisgarh in an unregistered criminal appeal filed by the applicants/petitioners (Dhanesh Ram and another Vs. State of Chhattisgarh) by which the application under Section 5 of the Limitation act was dismissed and the appeal filed by the applicants was also disposed off by the Court below.

2. It is submitted that the applicants were juvenile when they were convicted for the offences and they were placed in Special Home for a period of three years. The applicants have although completed the period of observation and had been released from the Special Home, but they could not file appeal in time because the guardians of the applicants were also in jail and are still continuing in jail. There had also been other reasons that the applicants are not literate and they also had financial difficulty. Hence, it is submitted that the learned Sessions Judge should have considered on the

difficulties of the applicants and allowed the application for condonation of delay in filing the appeal. Therefore, the order passed is erroneous and arbitrary. Hence, it is prayed that the impugned order be set aside and the appeal filed by the applicants be restored for hearing before the Court below.

3. Learned counsel for the State/respondent opposes the revision petition submitting that the applicants were though juvenile on 07-11-2012 when the judgment was passed by the Juvenile Justice Board, but the period of detention in Special Home was only three years, so the applicants must have been released in the year 2015 and by that time the applicants were no more juvenile. Hence, they could have filed appeal themselves, hence, the ground raised that the relatives of the applicants were in jail is not a good ground and there is no explanation of delay of four years by the applicants. Hence, the revision petition be dismissed.

4. Heard learned counsel for the parties and perused the documents.

5. At present age of applicant No.1 is 25 years and age of applicant No.2 is 26 years, therefore, it appears that on the date the applicants were ordered to be detained in Special Home they were also major and above 18 years of age. The period of detention was completed sometime in the year 2015 and thereafter a period of four years have lapsed even then the applicants did not file any appeal against the conviction held by the Juvenile Justice Board. Therefore, it is a case of inordinate delay. Ignorance of law cannot be made an excuse for any case and also the financial difficulties is not a hurdle for filing appeal in these days. Therefore, I do not find any error in the order passed by the appellate Court. Accordingly, this revision petition is dismissed.

6. The certified copy filed by the counsel for the applicants be returned after obtaining attested copies of the same.

Sd/-
(Rajendra Chandra Singh Samant)
Judge