

THE HONOURABLE SRI JUSTICE P. KESHA RAO

I.A.No.3 of 2019

AND

CRIMINAL REVISION CASE No.104 of 2019

COMMON ORDER:

I.A.No.3 of 2019 is filed to condone the delay of 440 days in presenting the present criminal revision case.

2. Sri M.Rathan Singh, learned counsel for the petitioner, without arguing the matter, is referring to other connected criminal revision cases. It appears that he is not interested to argue the matter.

3. The previous docket proceedings show the attitude of the petitioner in dragging the proceedings on one pretext or the other. After noticing the conduct of the petitioner, this Court has passed the following order on 23.03.2021:

“Sri M.Rathan Singh, learned counsel for the petitioner in CrI.R.C.Nos.104 of 2019, 755 of 2013 and 111 of 2019, is not present.

Sri K.Laxmi Prasad, learned counsel for the un-official respondent is present.

The pathetic state of affairs is demonstrated in the earlier docket orders. Sri M.Rathan Singh, learned counsel, ventures to argue the matter without even having any file. Even today also, there is no representation.

From this, it appears that the petitioner is not interested to argument the matter diligently.

Post on 01.04.2021 under the caption ‘for dismissal’.”

4. Even today also, learned counsel for the petitioner is seeking time on the ground that the counsel appearing in other connected matters have to argue. This attitude of the counsel for the petitioner

shows that he is not interested to go ahead with the matter. Any how, this Court has decided to pass order in the condone delay application basing on the facts mentioned in the affidavit filed in support of the said application.

5. Learned counsel for the petitioner submits that one of the brothers of respondent No.1 is a panchayatdar and to prove the same, he wanted to file the affidavit of the said person and on that ground alone he is seeking time to show that compromise talks were already over. On that count, though the matter was adjourned on many occasions, no such affidavit is filed till date. Learned counsel also submits that the reasons for condonation of delay of 440 days are mentioned in paragraphs 4 and 5. A perusal of the said two paragraphs discloses that the petitioner has not filed any material showing prima facie case about the compromise or otherwise.

6. On the other hand, respondent No.1 filed counter-affidavit denying the averments made in the affidavit filed in support of the application for condonation of delay and contended *inter alia* that respondent No.1 did not see the petitioner after April 2015 and he never attended the court proceedings in all Forums.

7. As contended by the learned counsel for respondent No.1 that the petitioner has not filed any iota of evidence to prove that there was compromise talks, etc., the reasons shown in paragraphs 4 and 5 of the affidavit filed in support of the condonation of delay application are not satisfactory to condone the abnormal delay of 440 days in filing the criminal revision case. Even otherwise, when the matter is

pending since 2019, till date no efforts have been made by the petitioner to substantiate his contention.

8. Though counter-affidavit is filed specifying the averments, no reply affidavit is filed by the petitioner. Hence, non denial of the facts amounts to admission. Therefore, this Court is not inclined to condone the delay of 440 days in presenting the criminal revision case.

9. Accordingly, I.A.No.3 of 2019 is dismissed. Consequently, the criminal revision case is rejected.

Miscellaneous petitions, if any, shall also stand dismissed.

1st April 2021

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JUSTICE P. KESHAVA RAO