

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

I.A. NO. 1 OF 2021

IN/AND

CRIMINAL REVISION CASE NO: 148 OF 2021

Crl.R.C.No. 148 of 2021 :

**Crl. Revision Case Under Sections 397 & 401 of Cr.P.C. , 1973
aggrieved by the order dated 19-10-2018 in M.C.No. 5 of 2015 on the file of the
Court of the Judicial First Class Magistrate at Vikarabad**

Between:

**Mogishetla Bandeppa Goud, S/o. Late Yeerappa, Aged 49 Years, Occ . Pvt.
Employee, R/o. H.no.1-3/1, Manthangod Village, Basheerabad Mandal, Ranga
Reddy District. ...PETITIONER/ Respondent in both**

AND

- 1. The State of Telangana, Rep. by its Public Prosecutor, High Court of
Judicature at Hyderabad, Hyderabad.**
- 2. Smt. Parwathapally @ Mogishetla Vijay Lakshmi, W/o. Mogishetla Bandeppa
Gopud, Aged 43 Years, Occ . Housewife, R/o. H.no.4-1-452, LIG-81,
Alampally Road, Vikarabad, Ranga Reddy District. ...RESPONDENTS/
Respondents**

IA NO: 1 OF 2021

**Petition under Section 5 of Limitation Act praying that in the circumstances
stated in the affidavit filed in support of the petition, the High Court may be
pleased to condone the delay of (758) days for filing of the Criminal Revision
CASE, otherwise the Petitioner will be put to irreparable loss and it cannot be
compensated in any manner in the interest of justice.**

IA NO: 2 OF 2021

**Petition under Section 482 of Cr.P.C. praying that in the circumstances
stated in the affidavit filed in support of the petition, the High Court may be
pleased to stay all further proceedings in M.C.No.5 of 2015, dated 19.10.2018,**

passed by the learned Hon'ble Judicial First Class Magistrate, at Vikarabad pending disposal of the Crl.R.C.

IA NO: 3 OF 2021

Petition under Section 482 of Cr.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.1/Revision Petitioner the Revision Petitioner to pay monthly maintenance @ Rs 4000/- per month from this month and continue the same and (ii) clear all the arrears pending ie Rs.3,05,000/-(Rupees Three Lakhs and Five Thousand only) to the Respondent No.2 as explained in para-II of the counter affidavit during the pendency of the above said CRLRC with immediate effect .

Counsel for the Petitioner: SRI K. BUCHI BABU

Counsel for the Respondent NO.1 :THE PUBLIC PROSECUTOR

Counsel for the Respondent No. 2: M/S. K. LAXMI MANOHAR

The Court made the following: ORDER

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THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

I.A.No.1 of 2021

IN/AND

CRIMINAL REVISION CASE No.148 of 2021

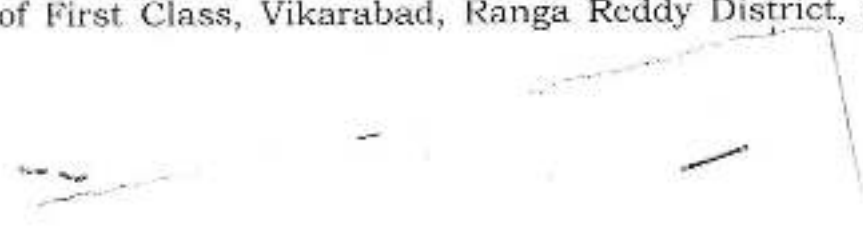
COMMON ORDER:

Challenge in the Criminal Revision Case is the order that is rendered by the Court of Judicial Magistrate of First Class, Vikarabad, Ranga Reddy District, in M.C.No.5 of 2015, dated 19.10.2018.

2. As there is a delay of 758 days in filing the Criminal Revision Case, the petitioner has filed I.A.No.1 of 2021 seeking the Court to condone the said delay.

3. Heard the submission of learned counsel for the petitioner as well as learned counsel for respondent No.2.

4. In the affidavit filed in support of the petition to condone the delay, the petitioner contended that he preferred the Criminal Revision Case to set aside the order that was rendered in M.C.No.5 of 2015, dated 19.10.2018 by the Court of Judicial Magistrate of First Class, Vikarabad, Ranga Reddy District, and



due to ill-health, he could not file the revision case in time and, therefore, said delay has to be condoned.

5. Arguing the matter, learned counsel stated that in the maintenance case, immediately after receiving summons from the Court, the petitioner engaged an Advocate, but he could not file counter due to illness and thereafter he approached the Advocate and, in the meantime, the Court passed an *ex parte* order against the petitioner. The learned counsel also contended that respondent No.2 is living with another person and, therefore, the petitioner lodged a complaint to police and, thus, respondent No.2 is not entitled to seek maintenance. Learned counsel for the petitioner also contended that the petitioner suffered from jaundice and took Ayurvedic treatment and, therefore, there is a delay of 758 days in preferring the present Criminal Revision Case. Learned counsel for the petitioner submits that as respondent No.2 is living in adultery, she is not entitled for maintenance, and hence, the petitioner has challenged the order of the trial Court, which granted maintenance and, therefore, by condoning the delay, the order dated 19.10.2018 rendered by the trial Court has to be set aside.

6. *Per contra*, learned counsel appearing for respondent No.2 stated that not even a single rupee is paid towards maintenance till now by the petitioner and the petitioner is earning more than Rs.3,50,000/- per month and further-more respondent No.2 is suffering from serious illness.

7. Keeping the merits of the case aside, the delay occurred in filing the Criminal Revision Case is inordinate and no convincing reason or explanation is assigned by the petitioner as to why such an inordinate delay of 758 days has occasioned in preferring the Criminal Revision Case. Further-more, no Medical Report is filed to show that during the relevant period of time, the petitioner was suffering from ill-health. Though the petitioner contended that he was suffering from jaundice and was taking Ayurvedic treatment, nothing would have prevented the petitioner to contact his counsel over phone and sign the relevant documents, including vakalat for filing the Revision Case within time or within a reasonable period of time. Further-more, the illness shown i.e. jaundice is not such a deadly disease that would prevent a person from pursuing the daily pursuits or attending his daily

necessities. Also, when the delay occurred is inordinate, there is every necessity on the part of a person, who seeks condonation of such an inordinate delay, to explain in clear terms the reasons as to why such an inordinate delay has occurred. Time and again, in catena of decisions, this Court as well as the Hon'ble Apex Court stated that where the delay occurred is inordinate, the Courts should not condone the same in a routine manner. Inconvenience of the other party should also be looked into while condoning such an inordinate delay. In the case on hand, the delay is more than two years and the explanation offered for such an inordinate delay is not convincing. The reasons shown are neither cogent nor reliable. Therefore, this Court is of the view that the present application filed seeking to condone the delay of 758 days in preferring the Criminal Revision Case is unsustainable and the same deserves to be dismissed.

8. Resultantly, I.A.No.1 of 2021 filed seeking the Court to condone the delay of 758 days in preferring the Criminal Revision Case is dismissed.

9. Consequently, the Criminal Revision Case stands rejected.
10. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To

1. The Judicial Magistrate of First Class, Vikarabad, Ranga Reddy District.
2. Two CCs to Public Prosecutor, High Court at Hyderabad for the State of Telangana (OUT)
3. One CC to SRI. K. BUCHI BABU, Advocate (OPUC)
4. One CC to SRI K. Laxmi Manohar, Advocate (OPUC)
5. Two CD Copies
6. One Spare Copy

AWK

HIGH COURT

DATED:04/08/2022



ORDER

CRLRC.No.148 of 2021

DISMISSING THE IA No. 1/ 2021

AND REJECTED THE CRLRC

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4/11/22
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