

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.173 of 2017

Arising Out of PS. Case No.-15 Year-1993 Thana- BIRPUR District- Supaul

Awadh Nath Singh @ Awadh Narayan Singh Son of Late Ram Sudish Singh,
Resident of Village - Shiv Nagar, P.S. Birpur, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar.
 2. Pratap Singh, Son of Saryug Singh,
 3. Bir Bahadur Singh, Son of Saryug Singh,
 4. Lal Bahadur Singh, Son of Saryug Singh,
 5. Bindeshwari Yadav @ Bindeshwar Yadav @ Bindeshwari Singh, Son of Saryug Yadav,
 6. Kamleshwar Yadav @ Kapleshwar Yadav, Son of Saryug Yadav,
 7. Bachcha Yadav @ Bachchu Yadav, Son of Saryug Yadav
- All (2 to 7) are Resident of Village - Shivanagar, P.S. Birpur, District – Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the Respondent/s	:	Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present Cr. Revision Application has been filed against the judgment and order of conviction and sentence dated 10.02.2016 passed by Additional Sessions Judge-I, Supaul in Sessions Trial No. 12 of 1999 (arising out of Birpur P.S. Case No. 15 of 1993), in which conviction to the petitioner has been made and the court has awarded the sentence to the accused parties namely Lal Bahadur Singh, Pratap Singh and Bachcha



Yadav holding them guilty for charge under Sections 147 & 323 of I.P.C. and holding the accused person namely Bir Bahadur Singh, Bindeshwari Yadav and Kamleshwar Yadav guilty for charge under Sections 147, 323 & 149 of the Indian Penal Code while they were not held guilty for the charges under Sections 326 & 307 of the Indian Penal Code illegally and taking into consideration of wrong fact that they are not earlier convicted were released under Section 3 of Probation of Offenders Act, 1958 with a further direction to the trial court to punish the accused-opposite party No. 2 to 7 suitably holding them guilty under Sections 326 & 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that prior to filing the present Cr. Revision Application, the petitioner has preferred Cr. Appeal (D.B.) No. 393 of 2016 which was withdrawn by the order of Hon'ble Division Bench dated 14.09.2016 and liberty was granted to file review petition against the order of sentence dated 10.02.2016 (Annexure No.1, Page No. 14)

Learned A.P.P. for the State submits that the present Cr. Revision has been filed in the teeth of order dated 14.09.2016 passed in Cr. Appeal (D.B.) No. 393 of 2016 by Hon'ble Division Bench of this Court.



It transpires to this Court that before Cr. Appeal (D.B.) No. 393 of 2016 the petitioner (appellant) seeks to withdraw the case seeking remedy for filing review petition but instead of filing review petition, petitioner has filed present criminal revision application which itself is barred by limitation as it has been filed after delay of 8 months 29 days.

Upon going through the limitation petition, it transpires that no specific pleading has been made explaining the delay in filing the present Cr. Revision Application and in this view of the matter, this Court is not inclined to entertain the present criminal revision application, therefore, the present limitation petition as well as the Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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