

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.901 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Savita Devi Wife of Kanhaiya Lal Yadav Resident of Village - Raghunathpur,
Police Station - Raghunathpur, District - Siwan, presently residing at Village -
Nandamunda, Police Station - Siswan, District - Siwan.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Kanhaiya Lal Yadav Son of Manager Yadav Resident of Village -
Raghunathpur, Police Station - Raghunathpur, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Adv.
For the Respondent/s	:	Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 28-04-2023

Learned counsel for the petitioner and learned
counsel for the State present.

Counsel for the petitioner seeks adjournment in this
case but this Court is not inclined to grant adjournment due to
the reason that this is a criminal revision case of 2017 and one
of the party is awaiting for disposal of the case, since last six
years, so this Court is of the opinion that granting time shall
amounts to miscarriage of justice.

It is a unique case in which notices have been
issued twice. It also transpires that a limitation petition is
pending in this case and this Hon'ble Court vide order dated

17.02.2020 has passed order *i.e.* as follows:

“As prayed for by learned counsel for the petitioner, put up after two weeks under the heading ‘For Orders’ (On Petitions) so that the limitation in this case can be adequately explained.”

Even after passing the clear cut order by this Hon’ble Court indicating that limitation should be adequately explained, no petition has been filed and vide order dated 03.03.2020, it has been acknowledged by this Court that the limitation petition be considered at the time of admission.

Today, hearing ‘For Admission’ is going on in this case. From the service report, it transpires that the party started residing outside the place of address and house was closed, therefore, this Court has no option but to hear this case on its own merit.

After going through the limitation petition, it transpires to this Court that this criminal revision has been filed with delay of 205 days and for condonation of delay, there is statement made *i.e.* as follows:

“The applicant/petitioner was suffering from chronic decease as Sugar. Dr.

suggested her bed rest, therefore, she did not approach her advocate within limitation period and after recovery, she approached the learned advocate and filed the same.”

No any supplementary affidavit has been filed even after categorical direction of this Court dated 17.02.2020 by which Court has granted time to explain the limitation adequately.

As such, this Court is of the view that petitioner has failed to explain adequately about the period of limitation and hence, this criminal revision application is dismissed on the ground on limitation itself.

sadique/-

(Dr. Anshuman, J.)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	