

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.871 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Rohtas

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UPENDRA TIWARY Son of Sri Gama Tiwary Resident of Village- Panch Pokhari, P.O.- Sakari, P.S.- Kudra District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. JAIMALA DEVI Wife of Umpendra Tiwary, D/o Ramesh Tiwary At present Village- Tiwari Dih, P.O.- Belaon, P.S.- Sasaram, District- Rohtas.
2. Gautam Tiwari (Minor Son) Son of Upendra Tiwary and next friend to Jaimala Devi, D/o Ramesh Tiwary Resident of Village- Tiwari Dih, P.O.- Belaon, P.S.- Sasaram, (M) District- Rohtas.
3. Vidya Bala Tiwari (Minor Daughter) D/o Upendra Tiwary and next friend to Jaimala Devi, D/o Ramesh Tiwary Resident of Village- Tiwari Dih, P.O.- Belaon, P.S.- Sasaram (M), District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-08-2023 Heard learned Counsel for the appellant and learned Additional Public Prosecutor for the State.

This interlocutory application has been filed, under Section 5 of the Limitation Act, on behalf of the appellant praying therein for condonation of delay of 04 months and 03 days in preferring the present appeal.

Having considered the reasons assigned in the present application seeking condonation of delay and having heard the learned counsel for the parties, I am satisfied that the appellant was prevented by sufficient causes from preferring the appeal



within time.

Considering the above, the delay, in preferring the present appeal, is hereby condoned.

I.A. No. 01 of 2019 is allowed.

After some arguments, learned counsel for the petitioner seeks permission to withdraw this revision application with liberty to file an appropriate petition, under 126 (2) of the Criminal Procedure Code, before an appropriate court against the impugned order.

Permission is granted.

This revision application is, accordingly, dismissed as withdrawn with aforesaid liberty.

It is made clear that if the application is filed by the petitioner, along with condonation of delay, the concerned Court shall dispose the same in accordance with law.

(Anil Kumar Sinha, J)

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