

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.49 of 2024

Arising Out of PS. Case No.-34 Year-2003 Thana- KATIHAR GRP CASE District- Katihar

Ram Kumar Rai S/o Kailash Rai R/o Vill. - Lakho, P.S. - Mufasssil,-Begusarai,
Dist - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Respondent/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 27-02-2024 1. This is an application under Section 5 of the
Limitation Act filed by the petitioner, praying for condonation
of delay by 4 years and 8 months in filing the revisional
application against the order passed by the Court of Appeal on
10th of June, 2019, affirming the order of conviction and
sentence passed by the Trial Court on 9th of September, 2008.

2. The incident took place on 28th of March, 2003. The allegation against the petitioner is that he used to work as a Porter in Katihar Railway Station on the date of occurrence. The informant along with two other persons booked tickets from Katihar to Delhi and as soon as they sat on their seats in general compartment, the accused came and demanded money from them. When they asked as to why they would pay money to the accused, he started assaulting him. Out of fear, they were about



to pay the money. At that time, police came and prevented him. Thereafter, police submitted charge-sheet under Sections 384 and 386 of the Indian Penal Code against the petitioner. On trial, the petitioner was convicted for committing offence under Section 384 of the IPC and sentenced to imprisonment for six months. The Court of Appeal affirmed the judgement and order of conviction and sentence on 10th of June, 2019.

3. However, the petitioner has filed the revisional application, assailing legality, validity and propriety of the order passed by the learned Appellate Court after a lapse of 4 years and 8 months.

4. It is submitted by the petitioner that after the incident, he was terminated from his job as a Porter in Katihar Junction and his license was cancelled. Subsequently, he went to some other place for job and he came after four years to his native place from his place of work and came to know that the Appellate Court affirmed the order of conviction and sentence against him.

5. The reason for condonation of delay as cited by the petitioner is not satisfactory.

6. The petitioner, being an accused, must be aware of the proceedings and its result. Without being aware of such



proceedings, it cannot be allowed that at that point of time, a person would come and file a revision before the Higher Court, challenging an order. The law does not permit any laxity in favour of an indolent litigant.

7. In view of such circumstances, I do not find any ground to condone the delay of 4 years and 8 months.

8. Therefore, the application under Section 5 of the Limitation Act is rejected.

9. On rejection of the application under Section 5 of the Limitation Act, the revisional application, being barred by limitation, is also dismissed.

(Bibek Chaudhuri, J)

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