

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.464 of 2024

Arising Out of PS. Case No.-274 Year-2017 Thana- BARBIGHA District- Sheikhpura

PINTU MAHTO @ RAJA, SON OF KARU MAHTO, RESIDENT OF
VILLAGE - LAXMIPUR, P.S. - BARBIGHA, DISTRICT - SHEIKHPURA
(BIHAR)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. GAYATRI DEVI, DAUGHTER OF BISO MAHTO, RESIDENT OF
VILLAGE - TEUS, P.S. - JAYRAMPUR, DISTRICT - SHEIKHPURA
(BIHAR)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Respondent/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 16-07-2025 This is an application for condonation of delay by
623 days.

2. In preferring the instant revision against an order of conviction and sentence, it is submitted by the learned Advocate for the petitioner that the Opposite Party No. 2 was served but she has not appeared before this Court to contest the instant application for limitation.

3. I have perused the record and I am in agreement with the submission made by the learned Advocate for the petitioner.



4. It appears from the record that the petitioner was convicted and sentenced by the Trial Court, and the said conviction and sentence were affirmed by the learned Additional Sessions Judge-III, Sheikhpura, in Criminal Appeal No. 13 of 2019, by judgment dated 15th June, 2022. The petitioner was sentenced to undergo six months' imprisonment for the offence punishable under Sections 323 and 35 of the Indian Penal Code. He was further sentenced to three years of rigorous imprisonment along with a fine of Rs. 10,000/-, and in default of payment of fine, to undergo simple imprisonment for a further period of two months for the offence punishable under Sections 498A and 34 of the Indian Penal Code. Additionally, the petitioner was sentenced to simple imprisonment for two months along with a fine of ₹5,000/-, and in default of payment, to undergo further simple imprisonment for the offence punishable under Section 4 of the Dowry Prohibition Act.

5. It is contended by the learned Advocate for the petitioner that he received the certified copy of the order while he was in custody on 30th of March, 2024. Subsequently, the instant revision was filed on 30th of May, 2024. When the office pointed out that the revisional application is barred by limitation and then only petition of condonation of delay under Section 5



of the Limitation Act was filed on 20th of August, 2024.

6. Except the above averments in paragraph 2, there is no other averments explaining delay of about 623 days in filing the instant appeal.

7. It is needless to say that while dealing with an application for limitation, the Court should not take a pathetic approach to find out as to whether every months delay, every days delay and every hours are explained or not. Court is permitted to take a liberal approach for condonation of delay but the question arises as to the extent of liberalism which the Court is required to show while disposing of an application under Section 5 of the Limitation Act.

8. In the instant case, the petitioner has not set forth any sufficient cause for condonation of delay. Under such circumstances, in the absence of a specific explanation accounting for the delay in filing the revisional application, this Court is not inclined to allow the application for condonation of delay

9. Accordingly, the application under Section 5 of the Limitation Act is dismissed.

10. With the dismal of the application for Limitation Act for unexplained inordinate delay, the revision application is



also dismissed.

(Bibek Chaudhuri, J)

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