

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.484 of 2024

Arising Out of PS. Case No.-116 Year-1999 Thana- RANIGANJ District- Araria

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Maheshwari Rishideo @ Maheshwari Rishidev @ Maheshwari @
Maheshwari Rishi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-02-2025 This is an application filed under Section 5 of the

Limitation Act praying for condonation of delay. The petition is

taken up for hearing.

2. The instant application has been filed praying for
condonation of delay by 615 days in filing the criminal revision
against the order dated 06th July 2022, passed by the learned
Additional Sessions Judge-IV, Araria in Cr. Appeal No. 08 of
2014. It is submitted by the petitioner that he is a poor labourer
working outside the State for his livelihood. He was not aware
about the judgment passed on 06th July 2022 in Criminal Appeal
No. 08 of 2014 and when the police arrested the petitioner on
12th August 2023, he came to know about the facts of the case.
Thereafter, the son of the petitioner who also used to reside
outside the State for livelihood, came to his village and handed



over the documents relating to the case to the learned Advocate for the appellant on 1st June 2024 and subsequently, the revisional application was filed on 7th June 2024.

3. Having heard the learned Advocate for the petitioner and on perusal of the petition, this Court is not at all satisfied about the grounds mentioned in the petition. Whenever a person is convicted and sentenced to suffer imprisonment he is supplied with a copy of the judgment free of cost. The judgment was served to enable him to take step before the Higher Court.

4. It is submitted by the learned Advocate for the petitioner that when the appellate court passed the order he was not present in the court and he was outside the State. Subsequently, when he was arrested to suffer conviction, he was not served with a copy of the judgment and order of conviction and sentence passed by the appellate court.

5. In the considered view of the Court, this cannot happen because a person cannot be sent to the correctional home without jail warrant and the copy of the judgment when he is convicted in a case. On the date of arrest, the petitioner, of course, came to know about the sentence. Even after that he spent more than a year without taking any legal step.

6. This Court is not unmindful to note that an



application under Section 5 of the Limitation Act ought to be disposed of taking into a lenient view. But, leniency does not mean that whenever an application under Section 5 would be filed, it is to be allowed without ascertaining the reason as to whether the same is cogent or not.

7. In view of such circumstances, and for the reasons state above, I do not find any merit in the application under Section 5 of the Limitation Act. Accordingly, the application is rejected, I.A. No. 1 of 2024 is dismissed.

8. In view of dismissal of the I.A. No. 1 of 2024, the Cr. Revision is also treated to be dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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