

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.508 of 2024

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

Arvind Kumar @ Arvind Kr., Son of Late Bhukhal Pandit, Resident of Village
- Rajepur, P.S. - Govindganj, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manorama Kumari, Wife of Arvind Kumar @ Arvind Kr., D/o Siyaram Pandit, At Present R/o Village - Varn Kuinya, P.S. - Motihari Muffasil, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the Respondent/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 07-05-2025 This is an application under Section 5 of the Limitation Act filed by the petitioner, praying for condonation of delay by 305 days in filing the revisional application.

2. It is submitted by the learned Advocate for the petitioner that the period of limitation to file the instant revision expired on 27th of August, 2023, and the revisional application has been filed on 27th of June, 2024. It is stated by the petitioner in Paragraph No. 3 of the revision that the petitioner works in Madhya Railway, Bhuswal, as a Loco Pilot, and he instructed his cousin brother, namely, Ganesh Kumar, to look after the case instituted by the opposite party against him claiming maintenance allowance. The said cousin brother was



suffering from jaundice. Therefore, he could not take step within the period of limitation to file the instant revision. Thus, there was delay in filing the revisional application.

3. I have heard the learned Advocate for the petitioner as well as the learned Advocate for the opposite party.

4. The learned Advocate for the opposite party has raised serious objection against the prayer for condonation of delay.

5. It is now trite that the Court should take a liberal approach while disposing of a petition for condonation of delay. Judicial precedents are consistent that the petitioner need not provide a day-to-day explanation of the delay in filing the application. However, it is expected that a reasonable and plausible explanation is forthcoming so that the Court can use judicial discretion in condonation of delay.

6. In the instant application, it is stated by the petitioner that his cousin brother who was entrusted to look after the case was suffering from jaundice at the relevant point of time. If a person is suffering from jaundice for more than 10 months, there would have been serious consequences. Not a single medical document is filed by the petitioner to prove that his cousin brother was suffering from jaundice. The explanation



for delay supplied by the petitioner appears to be doubtful and false.

7. Under such circumstances, this Court is not in a position to condone the delay on the ground that the petitioner failed to explain the delay and also failed to establish sufficient cause for which he was prevented from filing the revision within the statutory period of time.

8. For the reasons stated above, instant application under Section 5 of the Limitation Act is dismissed.

9. On dismissal of the application under Section 5 of the Limitation Act, this Court holds that the instant revision is barred by limitation and the criminal revision is also dismissed.

(Bibek Chaudhuri, J)

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