

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.593 of 2023

Arising Out of PS. Case No.-226 Year-2003 Thana- JAHANABAD District- Jehanabad

Rameshwar Bhagat S/O Late Harihar Bhagat R/O Village- South Daulatpur,
P.S And Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mahendra Bhagat S/O Late Basanti Bhagat R/O Vill.- Raja Bazar,
Daulatpur, P.s. and Dist.- Jahanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate Mr. Fakhruddin Ali Ahmad, Advocate
For the Respondent/s	:	Mr. Aditya Narayan Singh-1, A.P.P.
For the O.P. No.2	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 14-07-2025 **I.A. No.01 of 2023**

This is an application under Section 5 of the Limitation Act filed on behalf of the petitioner praying for condonation application by 520 days.

2. It is submitted by the learned Advocate for the petitioner in course of argument that the petitioner could not file the instant criminal revision within the statutory period of time, because of his financial hardship. The grounds for condonation of delay has been made out in the Interlocutory Application in Paragraph Nos.4, 5 & 6. I am tempted to quote paragraph No.4, 5 & 6 as drafted by the learned Advocate for the petitioner herein below:-



“4. That the petitioner pairvikar has obtained the certified copy of the judgment and after getting the Vakalatnama of the petitioner arranged for and went to his home to arrange the expenses of filing the revision application in Patna High Court.

5. That after arranging the expenses for filing the revision application the petitioner pairvikar approach the consult advocate and handed over the brief of the case for drafting.

6. That the concerned advocate has drafted remain application and the same has been filed on 07.08.2023 after being affidavited.”

3. After going through the statements made in Paragraph Nos.4, 5 & 6 repeatedly, I could not ascertained the head and tell of it. The condition of drafting in the High Court at Patna is decreased to such an extent that even the Court cannot understand of what the petitioner wanted to ventilate.

4. It is, however, submitted by the learned Advocate for the petitioner that other two convicts filed separate Criminal Revision Nos.411 of 2023 and 493 of 2023 and vide order dated 22.08.2023 they were released on bail on suspension of sentence. The petitioner makes the same relief before this Court.

5. This Court is not in a position to grant such relief to the petitioner at this stage before condonation of delay.

6. The learned Advocate for the opposite party/ informant, on the other hand, submits that the submission made on behalf of the petitioner for condonation of delay is not



supported by record, because of the fact that the petitioner absconded after delivery of judgment by the Appellate Court and only after he being arrested by police to suffer sentence, he has filed the instant revision and filed the application for limitation praying for condonation of delay by 520 days.

7. Having heard the learned Advocates for the parties and on perusal of the application under Section 5 of the Limitation Act, this Court does not find any ground for allowing the application under Section 5 of the Limitation Act.

8. It is needless to say that for granting limitation, the Court is inclined to take a liberal approach but the extent of liberalism cannot be stressed to an extent where practically delay is not explained and even if the application is required to be allowed.

9. In view of the above submission, the instant application is dismissed. With the dismissal of the application under Section 5 of the Limitation Act, the revisional application is also dismissed being barred by limitation.

(Bibek Chaudhuri, J)

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