

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1044 of 2024

Arising Out of PS. Case No.-1973 Year-2003 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Raj Kishore Pandey Son of Late Ugam Pandey Resident of Village-
Matiyariya, P.S.- Harsidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi, Wife of Raj Kishore Pandey, D/O- Late Yogi Tiwari Resident of Village- Matiyariya, P.S.- Harsidhi, , Distt.- East Champaran, D/O- Late Yogi Tiwari, Resident of Village- Generewa, P.S.- Govindganj, Distt.- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar, Adv., Mrs. Pravina Kumari, Adv.
For O.P. No. 2	:	Mr. Prakash Chandra, Adv.
For the State	:	Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 17-02-2025 This is an application under Section 5 of the Limitation Act for condonation of delay by three years in filing the instant Criminal Revision against the order of confirmation of conviction and sentence passed by the Court of appeal.

2. It appears from the record that trial court convicted the accused under Sections 498(A)/494 of the I.P.C. on 21.08.2018. Against the said order of conviction and sentence, the petitioner preferred an appeal bearing Criminal Appeal No. 75 of 2018 before the learned Additional Sessions Judge-XIV, East Champaran, Motihari. The said appeal was dismissed by



the appellate court on contested hearing and the order of conviction and sentence was affirmed.

3. Subsequently, it is stated by the petitioner that he went away to Delhi for his work. He returned back to his village after three years and came to know that the appeal has been dismissed. Thereafter, he has obtained certified copy of the appellate court's order and filed a Criminal Revision before this Court, challenging the order passed by the court of appeal.

4. I have heard the learned counsel for the petitioner and learned counsel for the opposite party.

5. It is admitted by the learned Advocate for the petitioner that the appellant/petitioner contested the appeal, therefore, it is obvious that he had the knowledge of the final outcome of the appeal. Subsequent thereto, he did not file revision before this Court within the period of limitation and there was delay by three years.

6. Considering the innocuous delay in filing the instant criminal revision and the ground mentioned by the petitioner, this Court is of the view that though with regard to condonation of delay, the Court should take liberal and justice oriented approach. An indolent and negligent gland is not entitled to get the relief for condonation of delay.



7. In the instant case, it is for the laches of the petitioner. There was inordinate delay in filing the instant criminal revision.

8. Accordingly, I am not inclined to allow the application under Section 5 of the Limitation Act. The application is, therefore, dismissed.

9. With the dismissal of the application under Section 5 of the Limitation act, the instant Criminal Revision being barred by limitation is also dismissed.

(Bibek Chaudhuri, J)

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