
(2010) 09 PAT CK 0165
In the Patna High Court
Case No : Criminal REV. No. 1383 of 2010

Abdul Ghafoor and Sakeena Khatoon	Vs	APPELLANT
The State of Bihar		RESPONDENT

Date of Decision : 27-09-2010

Acts Referred:

Limitation Act, 1963 — Section 5
Penal Code, 1860 (IPC) — Section 323, 379, 447, 452

Citation : (2010) 09 PAT CK 0165

Hon'ble Judges : Kishore K. Mandal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Kishore K. Mandal

1. This application has been preferred against the judgment and order dated 9.02.2008, passed in Cr. Appeal No. 05/20 of 2005 (Abdul Ghafoor and Anr. v. State), whereby learned appellate court on a consideration of materials on record concurred with the finding of guilt recorded by learned trial court under sections 323, 447 and 452 IPC. They were, however, acquitted of the charges punishable u/s 379 IPC.
2. Present revision application has been filed after inordinate delay. It appears that the application is barred by delay of more than 15 months.
3. Learned counsel for the petitioners presses I. A. No.1888 filed u/s 5 of the Limitation Act. In paragraphs 5, 6 and 7 petitioners have tried to explain the delay. The female inmate of the house (petitioner no.2) is also said to have gone to Delhi. In paragraph 7, it is stated that petitioner no.1 on his return home was arrested and could know about the disposal of the appeal. The appeal was considered and disposed of in presence of the counsel for the appellants.
4. From the pleadings made in the application seeking condonation of delay, this Court is not satisfied that a case for condonation of delay has been made out.

Accordingly, the same is rejected.

5. Since I have already rejected the application seeking condonation of delay, the present criminal revision application is also dismissed as barred by limitation.