
(2019) 10 CHH CK 0065

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 2230 Of 2019

Abhiti Tiwari

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 15-10-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 397, 482
Limitation Act, 1963 — Section 5

Citation : (2019) 10 CHH CK 0065

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Ashutosh Pandey, Akash Pandey

Final Decision : Allowed

Judgement

Sanjay K. Agrawal, J

1. This criminal miscellaneous petition under Section 482 of the CPC has been preferred by the applicant whose revision petition has been dismissed

by learned 6th Additional Session Judge, Bilaspur vide order dated 05/09/2019 holding it to be barred by limitation and rejecting the application under

Section 5 of the Limitation Act, 1963.

2. Mr. Ashutosh Pandey, learned counsel for the applicant would submit that delay was on account of death of applicant's maternal grandfather on

10/07/2019 and therefore, she could not prefer a revision against the order dated 04/05/2019 discharging accused persons for offence under Section

397 of the CrPC on time and a delay of 29 days has been caused in filing the revision petition.

3. I have heard learned counsel for the parties at length.

4. Taking into consideration that a sufficient and valid reason has been assigned by the petitioner by stating that her maternal grandfather died on

10/07/2019 due to which the revision petition against the order dated 04/05/2019 was filed with a delay of 29 days, the impugned order is hereby set

aside and delay is condoned in view of the decision rendered by the Supreme Court in the matter of N. Balakrishnan Vs. M. Krishnamurthy (1998) 7

SCC 123 as the delay cannot be said to be deliberate and intentional. The revision petition is restored to its original number for hearing and disposal on

merits before the Court of learned 6th Additional Session Judge, Bilaspur.

5. Accordingly, this criminal miscellaneous petition is allowed to the extent indicated herein-above. No order as to cost(s).

6. At this stage, Mr. Aman Tamboli, learned counsel for the petitioner would submit that he may be allowed to withdraw his vakalatnama on behalf of

the applicant. As the prayer is fair and reasonable, it is allowed.