
(1997) 02 AHC CK 0020
In the Allahabad High Court
Case No : Criminal Revision No. 31 of 1989

Majid

APPELLANT

Vs

Munna and Others

RESPONDENT

Date of Decision : 28-02-1997

Acts Referred:

Citation : (1997) 21 ACR 518

Hon'ble Judges : P.K. Jain, J

Bench : Single Bench

Judgement

P.K. Jain, J.—List has been revised. None appears for the revisionist. The revision is barred by limitation. The condonation of delay is sought on the ground that the local counsel advised the revisionist to wait till D.G.C. (Criminal), Moradabad or the Government Advocate who conducted the trial, moves the State Government for permission to file an appeal against the judgment and order of acquittal. The revisionist, therefore, remained under a bona fide belief that the State Government must be doing the needful. He was also advised by local counsel that complainant has no legal right to file any appeal or revision against the judgment and order of acquittal. The revisionist had no option but to wait for representation of the State Counsel and the decision of the State Government but since no result was forthcoming, he consulted the lawyer at Allahabad. He was also short of fund, on account of which he could not file revision in time.

2. The judgment and order of acquittal was passed on 11.12.1987 and copy was obtained on 4.11.1988. The revision was, however, filed on 3.1.1989. The revisionist had separate remedy independent of Government appeal, if any. In my view, the delay in filing the revision has not been properly explained. Application for condonation of delay deserves to be rejected and is hereby rejected.