

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.152 of 2018

Chandra Shekhar Sahu, S/o Ramesh Sahu, aged about 34 years, R/o Village Komir, Police Station and Tahsil Jharbandh, District Bargarh, Orissa

---- Applicant

versus

State of Chhattisgarh through District Magistrate, District Mahasamund, Chhattisgarh

--- Respondent

For Applicant	:	Shri G.I. Sharan, Advocate
For Respondent	:	Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28.2.2018

1. The revision is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 30.12.2017 passed by the Sessions Judge, Mahasamund, whereby the appeal preferred by the Applicant against the judgment dated 14.6.2013 passed by the Chief Judicial Magistrate, Mahasamund in Criminal Case No.43 of 2013 has been dismissed on the ground of limitation.
3. The Applicant was convicted under Section 403 of the Indian Penal Code and sentenced vide judgment dated 14.6.2013 passed by the Chief Judicial Magistrate, Mahasamund in Criminal Case No.43 of 2013. On 25.10.2017, i.e., after 4 years 4 months and 12 days of the judgment dated 14.6.2013, an appeal was preferred by the Applicant along with an application under Section 5 of the Limitation Act for condonation of delay. Vide the impugned order

dated 30.12.2017, the application filed under Section 5 of the Limitation Act has been rejected by the Sessions Judge, Mahasamund on the ground that the delay has not been properly explained.

4. Learned Counsel appearing for the Applicant submits that though there was a delay of about 4 years in filing the appeal yet the case of the Applicant is good on merits. Therefore, he prays that the Applicant be afforded an opportunity of hearing and the appeal be decided on merits.
5. Learned Counsel appearing for the State/Respondent supports the impugned order.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due circumspection.
7. Taking into consideration the facts and circumstances of the case and the submissions put-forth on behalf of the parties, I find that the impugned order is a reasoned order. The appeal was delayed by more than 4 years and the delay was not properly explained. Therefore, the Appellate Court rightly dismissed the appeal on the ground of limitation.
8. Resultantly, the revision is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge