

**(Ranvir vs. State of M.P.)**

**28.09.2018**

Shri Ashok Jain, Counsel for the applicant.

Shri R.K. Awasthi, Public Prosecutor for the respondent/State.

Heard on I.A.No.4285/2018, which is an application under Section 5 of the Indian Limitation Act for condonation of delay.

The applicant has been convicted for offence under Section 25(1-B) (a) of the Arms Act and was sentenced to undergo the rigorous imprisonment of one year and a fine of Rs.200/- by the Court of JMFC, Karera, District Shivpuri in Criminal Case No.348/2005. Being aggrieved by the said judgment and sentence, the applicant filed a Criminal Appeal No.360/2006 which was dismissed by the Court of Additional Sessions Judge, Karera, District Shivpuri by judgment dated 24.3.2008. Thereafter, the applicant did not file any revision before this Court.

The present revision has been filed on 30.5.2018 along with an application under Section 5 of the Indian Limitation Act.

It is mentioned in the application for condonation of delay that although the Appellate Court had dismissed the appeal on 24.3.2008 (wrongly mentioned as 24.3.2018 in the application), but as the applicant was not aware of the said judgment, therefore, he could not file the revision within the period of 90 days. The applicant was a rustic villager and has no knowledge about the law and, therefore, the delay in filing the

revision may be condoned.

Heard the learned counsel for the applicant.

It appears that in execution of warrant of arrest the applicant has been arrested and, therefore, the present revision has been filed after a delay of more than 10 years. The records of the courts below have been received. From the order dated 24.3.2008 passed by the Appellate Court it is clear that on the date when the judgment was pronounced by the Appellate Court, the applicant was not present. However, on some of the previous dates, the applicant had appeared before the Appellate Court. Thus, it is clear that the applicant was very well aware of the fact that the criminal appeal is due for final arguments but in spite of that neither he appeared on the date on which the arguments were heard nor he appeared when the date was fixed for delivery of judgment. Thereafter, he also did not surrender before the Trial Court after the dismissal of the appeal and now it appears that after a lapse of 10 years he has been arrested and only after his arrest he has filed the present criminal revision.

The moot question for determination is that whether the absconsion of the applicant can be said to be a sufficient cause for not filing the appeal/revision within the period of limitation?

A person cannot be allowed to take advantage of his own wrong and specifically when he has not shown any regards to the Court. Once the appeal is dismissed then he had remedy of filing the criminal revision but

instead of availing the statutory remedy the applicant decided to abscond, then it cannot be said that the absconsion of the applicant is a sufficient cause for condoning the delay. If the applicant was not aware of the outcome of the appeal, then he should have contacted his counsel. If the applicant has not chosen to do so, then only the applicant has to blame himself. Under these circumstances, this Court is of the view that the delay of 10 years in filing the revision because of the fact that the applicant himself had absconded after the delivery of judgment by the Appellate Court and did not surrender before the Trial Court, which cannot be said to be a sufficient reason and in the considered opinion of this Court the applicant has miserably failed in explaining the reasons for not filing the revision within a period of 90 days from the date of delivery of judgment by the Appellate Court. Accordingly, I.A.No.4285/2018 is hereby dismissed. Consequently, the criminal revision filed by the applicant is also dismissed.

The revision fails and is hereby **dismissed**.

(alok)

**(G.S. Ahluwalia)**  
**Judge**