

Cril. Misc(J) Case No.01/2018

Date 15/11/18 ;

This application is filed u/s 5 of Limitation Act by the revision/ petitioner praying for condoning the delay of one day in preferring the application u/s 397/399 CrPC., against the judgment and order dated 3/8/17 passed by the learned Judicial Magistrate, First Class, in MR Case No.28/2016.

I have heard learned counsel for the petitioner as well as, learned counsel for the opposite party and perused the record. The contention of the petitioner is that the petitioner filed the revision application for setting aside the order dated 3/8/17 passed by learned Judicial Magistrate, First Class, Baksa in MR Case No.28/16 whereby the petitioner was directed to pay maintenance of Rs.3,000/- per month to the opposite party w.e.f. from 3/8/17. But there is delay of one day in filing the revision. The reason is that the certified copy of judgment was received one month later after filing the copy petition. Hence the delay of one occurred.

The opposite party after enter appearance in the court, did not prefer to file any objection against the delay application of the petitioner. It cannot be denied that after passing judgment by the court, the certified copy of the same is necessary for the concerned party. The cause of delay of one day is stated to be delay in receiving the such certified copy from the office. Apparently, there of only one day in filing the revision. The reason of delay is also, found satisfactory. Accordingly, it is a fit case to condone the delay of one day in filing the revision application by the petitioner. Hence, the delay of one day is hereby, condoned to hear the admission of revision application of the petitioner.

The Cril. Misc(J) Case is disposed of contest.


Sessions Judge
Sessions Judge,
Baksa
Baksa, Mushalpur