

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR.JUSTICE SHAJI P. CHALY

WEDNESDAY, THE 1ST DAY OF APRIL, 2020/12TH CHAITHRA, 1942

Crl.M.A.No.1 of 2020 in Crl.R.P. TMP-1 of 2020

(AGAINST THE JUDGMENT DATED 27/06/2019 IN CRL.A. NO.264/2018 OF THE 2ND ADDL. SESSIONS JUDGE, KOZHIKODE CONFIRMING THE JUDGMENT OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-VIII, KOZHIKODE IN C.C 02/2016 DATED 10/04/2018)

REVISION PETITIONER/APPELLANT/ACCUSED:

Shajil V.C, S/o. Velayudhan, aged 43 years, Jasvis Digital Studio and Print Express,
Kashkatu Chambers, Bank Road, Nadakkavu Police Limits,Kozhikode-673 001

By Adv. Sri. P. Jayabal Menon
Adv. Sri.P. Deepak

RESPONDENTS/RESPONDENTS/STATE AND COMPLAINANT:

1. State of Kerala, Represented by the Public Prosecutor,
High Court of Kerala, Ernakulam.
2. Dijo Mahendra, Mahendrapuri, Nallalam P.O, Kozhikode- 673027.

By Sri. Suman Chakravarthy, Public Prosecutor

This Criminal M.A. having coming up for orders on 01/04/2020, the court on the same day passed the following:-

A.K. JAYASANKARAN NAMBIAR, J.

&

SHAJI P. CHALY, J.

CrI.M.A.NO.1 OF 2020

IN

CRL.R.P. TMP-1 OF 2020

Dated this the 1st day of April, 2020

ORDER

Shaji P. Chaly, J.

The above application is filed to condone the delay of 147 days in filing the revision petition.

2. We have heard the learned counsel for the petitioner as also the learned Public Prosecutor for the State.

3. Learned counsel for the petitioner submitted that notice is served on the 2nd respondent, i.e., the de facto complainant on 21.3.2020. It is submitted by the learned counsel for the petitioner that the delay occurred since a state brief counsel was appearing for the revision petitioner and the dismissal of the appeal by the Sessions Court was not informed to the revision petitioner, and therefore, the delay of 147 days in filing the revision petition before the High Court.

4. Even though we are not satisfied with the explanation offered for the delay, in the wake of COVID-19 pandemic, and the directives and advisories issued by the Central and State Governments for social distancing and for decongestion of jails, we are of the view that the delay can be condoned in order to consider the application submitted by the petitioner for suspending the sentence. Accordingly, the delay of 147 days in filing the revision petition is condoned.

A.K.JAYASANKARAN NAMBIAR
JUDGE

SHAJI P. CHALY
JUDGE