

ORDER BELOW EXH.01
IN
CRIMINAL MISC. APPLICATION NO.395/2025

1. The present application preferred by the applicant under Section 5 of the Limitation Act for condonation of delay occurred in preferring Criminal Revision Application.

2. Ld. Advocate Mr. B.P. Thakkar appearing on behalf of the applicant has submitted that the present applicant lodged a complaint on 02/07/2018 before Shankheshwar Police Station against the accused persons, upon which an offence under Sections 324, 323, 504, 506(2), 114 IPC and Section 135 of the Gujarat Police Act was registered as C.R. No. I-24/2018. After investigation, a charge-sheet was filed and the case was registered as Criminal Case No. 907/2021. During trial, the complainant was examined at Exh.13, other witnesses at Exh.28, and the doctor at Exh.56. From the evidence at Exh.13 and Exh.56, it appears that the complainant had sustained serious injuries caused by the accused. Therefore, the learned APP filed an application at Exh.81 dated 15/04/2025 under Section 216 Cr.P.C. seeking addition of Section 326 IPC in the charge (Exh.5). However, the Hon'ble Court partly allowed the application. Being aggrieved by the said order, the present applicant intended to prefer revision application and to prefer the same, delay of 174 days occurred. It is submitted that the applicant has no knowledge about the law, he has not appointed private advocate and therefore he was not informed about the proceedings. The applicant got paralyzed due to which he is bad ridden. Hence, the applicant could not able to file revision

application in stipulated time period and delay of 174 days in filing revision application occurred. There is no intention of delay on behalf of the applicant in filing appeal. The revision application is statutory right and if delay is not condoned then the valuable right to prefer the same would become infructuous. It is urged to allow present application.

3. Ld. Advocate Mr. S.K. Patel appeared on behalf of the opponent No.1 - State and submitted that they have no objection if the delay is condoned with cost. The opponent No.2 to 6 appeared through Ld. Advocate Mr. B.K. Panchal but did not file any objection.

4. Heard Ld. Advocates for both parties and gone through the record.

5. It appears from the record of the application that the learned APP filed an application at Exh.81 dated 15/04/2025 under Section 216 Cr.P.C. seeking addition of Section 326 IPC in the charge (Exh.5) and the Trial Court partly allowed the application. An revision application is statutory right granted to applicant. There is a delay of 174 days on preferring revision application. As Ld. Advocate for the opponent - State has submitted that they have no objection if the delay is condoned and other opponents have not filed any objection, accordingly, the present delay condonation application is allowed and passed following Order.

-:: O R D E R ::-

1. The present application is hereby allowed.
2. Delay of 174 days occurred in filing of Revision Application is hereby condoned.
3. Registry is directed to register Criminal Revision Application.
Pronounced & signed in open Court today.

Date : 07/03/2026
Place: Patan

(Rajkumar Ramsinh Chaudhary)
Additional Sessions Judge,
Patan at Radhanpur
U.I.Code No.GJ01512

Shaikh..