



UPPG010065472023

IN THE COURT OF SESSIONS JUDGE, PRATAPGARH

Present: Sri Abdul Shahid, H.J.S.

Criminal Misc. Case No. 495/2023

Smt. Rekha Mishra, aged about 35 years, Wife of Pundarik Mishra, Daughter of late Vidya Bhushan Dwivedi, Resident of village Vidyadhar, Post-Poore Noti, P.S. Lalganj, Kotwali, District-Pratapgarh (Uttar Pradesh) Varidhal village-Poore Heeranand, Post-Dhingvas, P.S. Lalganj, District-Pratapgarh.

.....Applicant/revisionist

Versus

1. State of U.P.
2. Pundarik Mishra, aged bout 38 years
3. Ambrish Mishra, aged about 35 years
2 &3 are sons of Shashidhar Mishra
4. Shashidhar Mishra, aged about 66 years, Son of Rudradhar Mishra
5. Rajeshwari Mishra, aged about 60 years, Wife of Shashidhar Mishra
Residents of village-Vidyadhar, Post-Poore Noti, P.S. Lalganj Kotwali, District-Pratapgarh (U.P.)

....Respondents

ORDER

1. Heard learned counsel for the applicant/revisionist on point of admission of Section 5 Limitation Act.
2. The applicant/revisionist has filed the present criminal revision against the impugned order dated 12.05.2022 passed by the Judicial Magistrate, Outlying Court, Lalganj, Pratapgarh in Complaint Case No. 18/2018, Rekha Vs. Pundarik Mishra and Others.
3. The complaint of the applicant/revisionist was dismissed under Section 204 (4) Cr.P.C. vide order dated 12.05.2022. Hence, the information of dismissal of order dated 12.05.2022 is itself available to the applicant/revisionist on the same day on 12.05.2022.
4. The applicant/revisionist did not file criminal revision within the period of limitation. She filed the present application under Section 5 Limitation Act on 16.10.2023. Whereas, the impugned order is dated 12.05.2022. The present criminal revision is filed along with Section 5 Limitation Application today i.e. 16.10.2023 after a gap of more than one year and five months. More

particularly, where the revisionist/complainant Rekha Mishra was herself the complainant.

5. Section 5 Limitation Act be registered as criminal misc. case. The delay in filing the present criminal revision is of more than one year and five months, despite Rekha Mishra/applicant/complainant was herself the complainant. The reasons mentioned in the the application Section 5 Limitation Act is not reasonable. Hence, the present application under Section 5 Limitation Act is liable to be rejected and it is rejected accordingly.

6. The present criminal misc. case is finally disposed of accordingly.

**Sessions Judge
Pratapgarh**