



2026:CGHC:9441

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 427 of 2024

1 - Suraj Kumar Patel S/o Vedram Patel Aged About 45 Years R/o Village Lokhandi, Bhoiyapara, Police Station- Koni, Tah. And Dist. Bilaspur, C.G.

... Applicant(s)

versus

1 - Babla Singh Alias Amit S/o Late Kuwar Singh Aged About 44 Years R/o Neharu Nagar, Police Station Civil Line, Tah. And Dist. Bilaspur, C.G.

2 - State Of Chhattisgarh Through Station House Officer, Police Station- Koni, Dist. Bilaspur, C.G.

..... Non-applicant(s)

For Applicant	: Mr. Tarun Dansena, Advocate
For Non-applicant No.1	: Mr. Krishna Tandon, Advocate
For State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

24.02.2026

1. The applicant has filed this criminal revision under Section 397/401 of Cr.P.C assailing order dated 12.03.2024 passed by the learned 4th Additional Sessions Judge, Bilaspur, District – Bilaspur in unregistered appeal, whereby, the appeal filed by the



applicant against the judgment of acquittal dated 01.11.2022 passed by the learned trial Court, has been rejected on the ground of limitation.

2. Brief facts of the case, are that the learned Trial Court acquitted accused/respondent No. 1 vide judgment dated 01.11.2022. The applicant applied for a certified copy of the said judgment on 06.02.2024, received the copy on 16.02.2024. Thereafter, the appeal was preferred on 19.02.2024, after a delay of 1 year, 3 months and 18 days from the date of the impugned judgment. The learned First Appellate Court, having found that the explanation furnished by the applicant was neither bona-fide nor sufficient for condonation of delay, dismissed the appeal. Aggrieved thereby, the applicant has filed the present criminal revision.
3. Learned counsel for the applicant would submit that the case was instituted on the basis of his complaint, and upon completion of investigation, the charge-sheet was filed by the prosecution agency and it was the Public Prosecutor who was contesting the case. Thus, the applicant had no active role to play in the conduct of the trial. It is further submitted that after the acquittal of the accused, no intimation regarding the judgment of acquittal was given to the applicant. When the applicant was threatened by him, he obtained the certified copy of the judgment, submitted a complaint before the Superintendent of Police on 16.02.2024 and also preferred an appeal before the learned First Appellate Court on 19.02.2024 along with an application for condonation of



delay. As such, the applicant has bona fide and sufficient cause in preferring the appeal after the prescribed period of limitation under Section 378(4) CrPC. The learned First Appellate Court failed to consider the well-settled position of law that where bona-fide and sufficient cause is shown, a liberal approach should be adopted with regard to condonation of delay and a strict formula ought not to be applied. Therefore, learned First Appellate Court should have taken a liberal view while deciding the application for condonation of delay. Hence, he would pray for quashment of the impugned order.

4. Per contra, learned counsel for non-applicant No.1 and the State would jointly submit that the dismissal of the appeal on the ground of limitation is just and proper and does not warrant any interference by this Court. It is further submitted that the applicant was required to furnish a cogent and plausible explanation for the inordinate delay, which he has miserably failed to do so. It is contended that the applicant was well aware of the progress and fate of the complaint case, yet he deliberately slept over his rights. Thus, no bona-fide or sufficient cause is available to him to justify filing the appeal with a prolonged delay. Therefore, they would pray for dismissal of the present revision.
5. I have heard learned counsel for the parties and perused the record.
6. Upon perusal of the record, it is apparent that after pronouncement of the judgment by the learned Trial Court, there



is no endorsement with regard to intimation regarding the passing of the judgment, if any, was communicated to the applicant. The victim was examined before the Trial Court way back on 15.05.2017 and the judgment of acquittal was passed on 01.11.2022, even, the case was being contested by the State through the prosecuting agency. In such circumstances, this Court is of the opinion that the applicant has been able to demonstrate bona-fide and sufficient cause for condonation of delay. Accordingly, the delay in preferring the appeal is condoned and the impugned order dated 12.03.2024 is hereby set aside.

7. It is well settled position of law that If an appellate court has dismissed the appeal on a technical ground (such as limitation), the proper course for the revisional court is to remand the matter for decision on merits. Section 401(3) CrPC bars the revisional court from converting a finding of acquittal into conviction. The Hon'ble Supreme Court in *C.N. Shantha Kumar vs. M.S. Srinivas* {SLP (Cr.) No. 4370 of 2023} has held in paragraph 7 as under :-

7. The impugned decision of the High Court is therefore, found to be unsustainable. If the High Court was convinced about a wrongful acquittal, the High Court in Revision could not have ordered for conviction. It ought to have remitted the matter back to the appellate court to re-appreciate the matter. This Course was not adopted.

8. In view of the aforesaid legal position, the matter is remanded back to the learned First Appellate Court for deciding the appeal afresh on its own merits, strictly in accordance with law.
9. Since non-applicant No. 1 has already entered appearance before this Court, issuance of fresh notice to him is dispensed



with. The applicant and non-applicant No. 1 are directed to appear before the learned First Appellate Court on 25th March, 2026. As the delay in filing the appeal has been condoned, the learned First Appellate Court is directed to adjudicate the appeal on merits, without being influenced by any of the observations made by this Court in the present order, after affording due opportunity of hearing to the applicant as well as the non-applicants.

10. With the aforesaid observation and direction, the present Criminal Revision is allowed in part.

11. Before parting with the case, it is noticed from the record that the learned 4th Additional Sessions Judge, Bilaspur has decided the appeal on the ground of delay and laches without a registration number. A question arises as to whether the High Court Rules governing the procedure for registration of criminal cases contemplate such non-registration while dealing with the issue of admissibility of a criminal appeal. Let the matter be placed before the appropriate authority for examining the procedure required to be followed while entertaining and deciding criminal appeals by the Sessions Court.

Sd/-
(Narendra Kumar Vyas)
Judge