

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 382 of 2022

Anand Prasad

.....Petitioner

Versus

1. The State of Jharkhand

2. Ramlal Sao

.....Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Anup Kumar Agarwal, Advocate

For the State : Mrs. Vandana Bharti, Spl.P.P

For the O.P No.2 : Ms. Shreya Sinha, Advocate

Order No. 18/ Dated: 24.04.2025

Mr. Anup Kumar Agarwal, learned counsel appearing on behalf of the petitioner and Mrs. Vandana Bharti, learned counsel appearing on behalf of the State are also present. However, Ms. Shreya Sinha, has appeared through Video Conferencing on behalf of the O.P No.2. There is no complaint of audio and video quality.

2. Learned counsel for the O.P No. 2 is not in a position to argue the case through Video Conferencing and is not arguing properly.

I.A No. 4621 of 2022

3. I.A No. 4621 of 2022 has been filed on behalf of the petitioner under Section 5 of the Limitation Act for condoning the delay of 668 days in filing this Criminal Revision Application.

4. Learned counsel for the petitioner has submitted that the petitioner is a poor person and he was in jail also and as such, there is delay of 668 days. It is further submitted that the petitioner is also desirous of settlement with the O.P No.2 and has

deposited Rs. 1,00,000/- before this Court also by filing supplementary affidavit. However, the O.P No. 2 has refused to accept the same and O.P No. 2 is contesting the case and hence, the delay of 668 days in filing this Criminal Revision Application may be condoned.

5. Learned counsel for the petitioner in support of his contention has relied upon the judgment rendered in the case of *Nihali Devi versus State (Government of NCT of Delhi) and Another reported in (2012) 12 SCC 325* at Para-4.

6. On the other hand, learned counsel for the State raised no objection.

7. Learned counsel for the O.P No. 2 has opposed the submission and submitted that the O.P No. 2 will contest the case on merit and the O.P No.2 should be paid Rs. 1,80,000/- along with 10% interest per annum.

8. Having heard learned counsel for the both the sides and from going through the records and Interlocutory Application, it appears that there is delay of 668 days in filing this Criminal Revision Application.

9. It appears that the petitioner was granted bail by this Court vide order dated 30.08.2022 and was in custody since 12.07.2022 with the condition that he may be deposited Rs. 1,00,000/- by way of demand draft in the name of O.P No.2 and shall comply with by the learned counsel for the petitioner by depositing the said demand draft of Rs. 1,00,000/- on 24.08.2022 by filing supplementary affidavit.

10. Though, the delay has not been satisfactorily explained by the petitioner but considering the fact that the matter is to be contested by the O.P No. 2 and the petitioner had remained in

custody also and also in the light of law laid in the case of *Nihali Devi versus State (Government of NCT of Delhi) and Another reported in (2012) 12 SCC 325*, the delay of 668 days in filing this Criminal Revision Application is, hereby, condoned.

11. Thus, I.A No. 4621 of 2022 is allowed and stands disposed of.

Cr. Revision No. 382 of 2022

12. Put up this case on 17th June 2025 under the heading “For Admission”.

(Sanjay Prasad, J.)

Avinash/