

Sl. No. 4

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(CrI.A.) No. 19 of 2024

National Investigation Agency

Applicant

Vs.

Thangjam Achou Singh @ Rajesh @ Thoujal

Respondent

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

(A. Bimol Singh, J)

06.08.2025

[1] Heard Mr. BR Sharma, learned CGSC for the National Investigation Agency (NIA)/applicant and Ms. Rupashree, learned counsel for the respondent.

[2] In this miscellaneous proceeding, the applicant is seeking for condonation of delay of 59 (fifty-nine) days in filing the Appeal No. 176 of 2024. However, the learned counsel Mr. BR Sharma who is representing the National Investigation Agency clarified that we must not take it as 30 days as it is reflected in the office notings, and instead, it must be recorded as 59 (fifty-nine) days for condonation delay in this miscellaneous application. Therefore, the counsel for the applicant is seeking for condonation of delay of 59 (fifteen nine) days in filing the appeal for challenging the orders rendered by the court below.

[3] Whereas, the learned counsel for the respondent Ms. Rupashree is present before the court physically and fairly submitted that she does not have any objection in allowing the miscellaneous case filed for condonation of delay of 59 (fifty- nine) days which is stated supra.

[4] Therefore, keeping in view the submission made by the learned counsel for the respondents and also equally the submission made by the learned counsel for the NIA and also keeping in view the provision of Section 21(5) of the NIA Act, 2008 and it is relevant to refer the writ petition as initiated with the Hon'ble Supreme Court of India in WP(C) No. 1076 of 2009 in the case of **Sajal Awasthi v. Union of India** and that proceeding has been initiated under the relevant provisions of the Constitution of India and the Hon'ble Supreme Court of India addressed the issues relating to the limitation period as indicating in Section 21(5) of the NIA Act, 2008, the Hon'ble Supreme Court of India clarified the stance on NIA Act Appeals/limitation period not an absolute bar to admissibility. stands on NIA admits/limitation period no an observer to bar to the admissibility. The Supreme Court of India addressed a critical divergence of opinion among High Courts regarding the limitation period for appeals filed under the National Investigation Agency (NIA) Act. In a recent interim order, the Apex Court clarified that appeals brought under Section 21 of the NIA Act should not be dismissed outright solely on the basis of exceeding the prescribed 90-days limitation period.

[5] However, keeping in view the ratio rendered by the Hon'ble Supreme Court of India are concerned, it is deemed appropriate that the proceeding as initiated by the NIA and whereby seeking for condonation of delay of 59 (fifty-nine) days are found to be acceptable and also justifiable.

[6] Consequently, this proceeding is disposed of.

[7] Consequent upon disposal of this proceeding, the delay of 59 (fifty-nine) days in filing the appeal is hereby condoned.

Sushil

JUDGE

CHIEF JUSTICE