

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

MC(CRL.A.) No. 28 of 2024

National Investigation Agency

... Applicant

- Versus -

Deepak Sharma

... Respondent

B E F O R E

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

O R D E R

[K. Somashekar, CJ]

05.08.2025

This miscellaneous application proceeding has been initiated under Section 21(5) of the NIA Act, 2008 whereas, in this application seeking for condonation of delay of 53 days. But, the office notice made therein indicates for condonation of delay of 30 days in filing appeal being Appeal No. 255 of 2024.

Heard learned CGSC for the NIA, Mr. BR Sharma is present before this Court physically and whereas, the aforesaid learned counsel stated that the reasons stated in the application are justifiable and acceptable and accordingly, seeking for condonation of delay of 53 days in filing the appeal.

On the contrary, learned counsel for the respondent, Mr. Ajay Kumar Sahu who is appearing through video conferencing has made objection to consider this proceeding for condonation of delay.

However, this miscellaneous application proceeding for condonation of delay of 53 days is relating to the order rendered by the Special Court, NIA. The appeal is nothing but to continue the proceeding and more so, required for hearing of the case on merit in accordance with law by both parties.

However, in this application proceeding, it is deemed appropriate to refer to the provision of Section 21(5) of NIA Act, 2008 which reads as thus:

"(5) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of period of ninety days."

Whereas, the Hon'ble Supreme Court in judgment of *Sushila Agarwal vs. Union of India (2024-25)*, in several Special Leave Petitions (SLPs) likewise *Sushila Devi*, the Supreme Court temporarily stayed dismissal of NIA appeals beyond 90 days. Appeal under Section 21(5) of the NIA Act, 2008 shall not be dismissed due to delay of beyond 90 days.

Keeping in view of the ratio rendered by the Hon'ble Supreme Court of India and equally the scope of the provision of Section 21(5) of NIA Act, 2008, it is deemed appropriate to state that the reasons assigned in the application are found to be justifiable and acceptable consequently.

Accordingly, the present miscellaneous application proceeding being MC(CRL.A.) No. 28 of 2024 whereby seeking for condonation of delay of 53 days is allowed as sought for.

The miscellaneous case proceeding is hereby disposed of.

JUDGE

CHIEF JUSTICE

Bipin