

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

MC(Cril.A)No.32 of 2024

National Investigation Agency

Applicant

Vs.

Suraj Jaiswal

Respondent

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

08.04.2025

D. Krishnakumar, C.J. :

[1] Mr. BR Sharma, learned Sr.PCCG, appears for the applicant and Mr. L. Shashibhushan, learned senior counsel, appears for the respondent.

[2] The appeal has been filed by the respondent along with the application to condone the delay of 54(Fifty four) days in filling the appeal.

[3] According to the applicant, the details have been furnish in affidavit which has been extracted as follows:

“3. ABOUT THE DELAY IN FILING THE CRIMINAL APPEAL AGAINST THE ORDER DATED 01.07.2024 PASSED BY THE LD. SPECIAL JUDGE (NIA), MANIPUR IN CRIL. MISC. (B) CASE NO. 55 OF 2024:

That in the following facts and circumstances, 84 days taken in filing the accompanying Appeal Memo but after excluding the statutory period of 30 days to file the appeal there is a delay of 54 days which are elaborately placed hereunder:-

(i) The total number of days taken from the date of passing the order dated 01/07/2024 sought to be set-aside and the date of filing the present application alongwith the accompanying appeal i.e. 24/09/2024 = 84 days;

(ii) The computation of time taken in filing the Criminal Appeal is the total number of days taken to file the appeal i.e., 84 days - 30 days permissible time to file the appeal = **54 days**.

A. Seven days taken in obtaining the certified copy of the Order dated 01.07.2024:

That on 01/07/2024, the Special Public Prosecutor, NIA informed the applicant about the Order passed by the Ld. Special Judge (NIA), Manipur in Cril. Misc. (B) Case No. 55 of 2024 and subsequently, after receiving comments from the Special Public Prosecutor, requested the Special PP NIA to apply for obtaining a certified copy from the Court of Special Judge (NIA), Manipur and as such, an application was submitted on 27.08.2024. Further, the certified copy of the order dated 01.07.2024 was furnished to the applicant on 10.09.2024.

Table below for easy reference:

A.	Days taken from the date of the judgment	84 days
B.	Permissible Time for Appeal	30 days
C.	Time taken in obtaining Certified copy	15 days
	Actual delay in filing the Appeal [A – (B)]:	54 days

B. Explanation of 9 days from 02.07.2024 till 11.07.2024:

That the present applicant as soon as it came to the knowledge sought comments from the CIO and the Special Public Prosecutor on the impugned order dated 01.07.2024 passed by the Special Judge (NIA) Manipur. In reply to comment sought on 02.07.2024 by the applicant from the Special PP (NIA), comment/note was received by the Crime Section from the Special PP (NIA) on 11.07.2024.

C. Explanation of 5 days from 12.07.2024 till 16.07.2024:

That subsequent upon receiving the comment/note from the Special PP (NIA), the applicant processed the same for forwarding to the NIA Head Quarters, New Delhi for necessary action.

H. Explanation of another 12 days from 17.07.2024 to 29.07.2024:

Subsequently, the competent authority (NIA HQ, New Delhi granted approval for filing appeal against the order dated 01.07.2024, before the High Court of Manipur on 29.07.2024.

I. Explanation of another 15 days from 30.07.2024 to 14.08.2024:

That, the authority conveyed the approval of the Competent Authority and requested to prepare a draft appeal for moving an appeal before the Hon'ble Court. Consequently, the office of the Deputy Solicitor General of India (DSGI), High Court of Manipur endorsed the matter to the present Central Government Counsel (Shri BR Sharma) for taking up further action alongwith the a draft of the appeal memo on 14.08.2024.

J. Explanation of another 8 Days from 15.08.2024 to 23.08.2024:

That after receiving the said instruction from the DSGI, Manipur, the present counsel took 8 day time in settling and finalizing the draft appeal of the Criminal Appeal assailing the order dated 01.07.2024, passed by the Special Judge (NIA), Manipur in Cril. Misc. (B) Case No. 55 of 2023 and the same was submitted to the NIA, Manipur on 23.08.2024.

K. Explanation of another 11 Days from 24.08.2024 to 05.09.2024:

That after due file process, the draft Appeal was sent to the NIA HQ, New Delhi for further comment and necessary vetting and the draft Criminal Appeal on 27.08.2024 and the same was approved by the competent authority on 05.09.2024, thereby requesting the present counsel to proceed for filing the Criminal Appeal before the High Court of Manipur assailing the impugned order dated 01.07.2024.

L. Explanation of another 18 days from 06.09.2024 to 24.09.2024:

The approved draft was forwarded to the present counsel for further necessary steps on 06.09.2024. The present counsel made necessary incorporation of certain comments and noting made by the authority in the Criminal Appeal as well as Misc. Application for condonation of delay and preparations were made for filing the Appeal Memo along with misc. application. Further, delay of 7 (seven) days was also caused due to non-availability of the present counsel in the station i.e. from 08.09.2024 till

14.09.2024, which in total took him about 18 days and could only file the matter only on 24.09.2024.

The said delay in filing the Criminal Appeal was not intentional and deliberate but was due to inevitable circumstances and the requirement of necessary approval and vetting from the competent authority. Therefore, the time taken in filing the Criminal Appeal was unavoidable. That, the above referred Criminal Appeal has merit. Hence, the delay caused in filing the Appeal i.e. from 31.07.2024 to 24.09.2024, may be condoned in computing the statutory period of 30 days in preferring the above referred Criminal Appeal against the Impugned Order dated 01.07.2024, passed by the Special Judge (NIA) Manipur in Cril. Misc. (B) Case No. 55 of 2023, for the ends of justice.

[4] According to the appellant, under section 21 of the NIA Act, 2008, it is prescribed that an appeal can be preferred before the Hon'ble High Court even after the lapse of 30 days provided such appeal is filed along with an application for condonation of delay within 90(Ninety) days from passing of the impugned order.

[5] The learned senior counsel appearing for the respondent has made objection for condoning the delay in filing the appeal.

[6] Considering the said provisions of the Act for condonation of delay in filing the appeal, the said application is filed within 90(Ninety) days. Therefore, we are satisfied with the reasons stated in the above affidavit and consequently, we are allowing the condone delay application.

[7] In view of the above, the delay in 54(fifty four) days in filing the appeal is condoned and according the application is allowed.

[8] List the appeal for admission if it is found to be in order.

JUDGE

CHIEF JUSTICE

John Kom