

IN THE HIGH COURT OF JUDICATURE AT PATNA

I.A. No. 254 of 2015

IN

SLA No.5 of 2015

1. Ram Bilash Raman Son of Late Dukha Singh Resident of Village -
Rajaur Ram Bhadarpur, Tola - Gore, P.S- Hathauri, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Bharos Mandal
3. Ram Kishore Mandal
4. Nand kishore Mandal, All Sons of Late Rameshwar Mandal null
5. Ashok Mandal Son of Ram Bharosh Mandal
6. Lila Devi, Wife of Ram Bharosh Mandal
7. Nirmal Devi , Wife of Ashok Mandal
8. Rita Devi Wife of Nand Kishore Mandal
9. Shyam Devi Wife of kishore Mandal, All resident of Shankarpur, P.S-
Roshra, District - Samastipur.
10. Anita Devi Wife of Ram Raman, Resident of Rajaur Ram Bhadrapur
Gaura, P.S- Hathauri, District Samastipur
11. Ram Udgar Mandal Son of Late Ram Prasad Mandal
12. Mod Narayan Mandal Son of Dani Mandal, Both resident of
Shankarpur, P.S- Roshra, District - Samstipur.
13. Lala Manda Son of Mahavir Mandal Resident of Thanka, P.S -
Hathauri, District - Samastipur.
14. Shirji Mandal Son of Late Sri Krishna Mandal of Rajaur, P.S- Hathauri,
District - Samastipur.
15. Ganesh Mandal Son of Thako Mandal Of Rajpur Ram Bhadrapur, P.S-
Hathauri, District - Smastipur.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan Sinha, Adv.

For the Respondent/s : Mr. S.A.Ahmad(App)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-02-2015

Heard learned counsel for the petitioner.

This application under section 5 of the Limitation

Act has been filed for condoning the delay of 1 year and 6 months

in filing Special Leave to Appeal No. 5 of 2015 against judgment

passed by the learned Judicial Magistrate 1st Class, Rosera on 1st April, 2013 in Complaint Case No.624-C of 2003, whereby he has acquitted respondent nos.2 to 15 of the charges framed against them under sections 147, 323, 379 and 380 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner obtained certified copy of the impugned order on 30th April, 2013. Thereafter he fell ill and after recovery from illness, he came to Patna and met his counsel. He entrusted the brief to his counsel for filing. For one reason or another, special leave application could not be filed earlier. In the meantime, the petitioner went to Mumbai in order to earn his livelihood. When he came back from Mumbai, he enquired from his counsel about the status of the case. Since the case was not filed earlier, the petitioner got the Special Leave to Appeal filed on 14th January, 2015 before the Registry and as some defects were pointed out by the office, after removing the defects, the application was ultimately filed on 5th February, 2015.

Be that as it may, having regard to the facts and circumstances of the case, I am of the considered opinion that the petitioner has failed to make out any sufficient cause for not preferring the appeal or making the application within time. The

reason for delay in filing the application explained by learned counsel for the petitioner is not convincing. Apparently there was deliberate inaction or negligence on the part of the petitioner in filing the appeal.

In that view of the matter, the application for condonation of delay caused in filing the appeal is dismissed. As a consequence thereof, the Special Leave Application No.5 of 2015 is also dismissed.

(Ashwani Kumar Singh, J)

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