

IN THE HIGH COURT OF JUDICATURE AT PATNA

I.A. No. 2575 of 2014

IN

SLA No.35 of 2014

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1. Rajendra Kumar Agrawal Son of Late Durga Prasad Agrawal Resident of-M.G.Road, Katihar, Police Station and District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Vikash Chandra Jha Son of Late Indra Nand Jha Resident of-Navneet Nagar, Katihar, Police and District-Katihar.
3. Md. Ramjani Son of Late Allauddin Resident of-Amla Tola, Katihar, Police Station and District-Katihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratnakar Ambastha, Adv.

For the Respondent/s : Mr. Abha Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-02-2015 The present application has been filed under section 5 of the limitation Act for condoning the delay of about six months in filing the special leave application before this Court.

The impugned judgment of acquittal in complaint case vide C.A. No. 1259 of 2004 was passed on 15th April, 2014 by the learned Judicial Magistrate 1st Class, Katihar and the special leave application was filed on 11th December, 2014.

In paragraph 4 of the application, a vague statement has been made that the petitioner had undergone major surgery and was under treatment for long and as such he could not move before this Court in time. No chit of paper has been filed in

support of the contention made in paragraph 4 of the application. It has also not been stated in the petition that the petitioner was undergoing treatment in which hospital or he was operated upon by which doctor.

On the facts and in the circumstances of the case, I am not satisfied with the explanation given by the petitioner for condoning the delay caused in filing the special leave application.

In that view of the matter, Interlocutory Application is dismissed and as a consequence thereof, the Special Leave Application No.35 of 2014 is also dismissed.

(Ashwani Kumar Singh, J)

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