

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.246 of 2013

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Om Prakash

.... Appellant/s

Versus

State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Pradhan, Advocate

For the Respondent/s

For the State : Mr. Asif Kalin, Act. AAG-12

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

9 21-08-2017 Heard learned counsel for the appellant as well as
learned counsel for the respondent.

I.A. No. 7100 of 2013 has been filed for condonation of
delay in filing the present appeal.

The office is reported that the present appeal is barred
by limitation of three years.

Learned counsel for the appellant submits that as a
matter of fact, after pronouncement of the impugned judgment, the
appellant fell ill and subsequently, he regained his health but on a
wrong advice he started knocking the door of other forum for
getting justice. Subsequently, he was advised to file appeal against
the impugned judgment and, thereafter, the appellant has filed this
appeal.

But I am unable to accept the aforesaid contention
because admittedly, the impugned judgment was passed on



26.06.2010 and the present appeal was filed on 25.09.2013. Moreover, in I.A. No. 7100 of 2013 nothing has been stated by the appellant as to when he got knowledge of the impugned judgment and on which period he fell ill and regained his health, further, the appellant has not even whispered in the aforesaid petitioner as to which forum he knocked for setting aside the impugned judgment. Therefore, in my view, the appellant has not given satisfactory explanation of delay.

Therefore, this appeal stands dismissed being time barred.

(Hemant Kumar Srivastava, J)

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