

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.145 of 2018

Arising Out of PS. Case No.-15 Year-2015 Thana- NIA District- Patna

Munna Singh, S/o Sri Satya Narayan Singh, R/v Kutti Katainya, P.S.-
Lauriya, Distt.- Bettiah (West Champaran).

... .. Appellant.

Versus

The Union of India (N. I. A.).

... .. Respondent.

Appearance :

For the Appellant	: None.
For N.I.A.	: Mr. Akhileshwar Prasad Singh, Sr. Advocate. Mr. Manoj Kumar Singh, Advocate.
For Union of India	: Mr. S.D. Sanjay, Additional Solicitor General. Mr. Rajesh Kumar Verma, Advocate.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

5 10-04-2018 No one appears on behalf of the appellant on repeated
calls.

Learned Additional Solicitor General for National
Investigation Agency assisted by Mr. Manoj Kumar Singh,
Advocate and Mr. Rajesh Kumar Verma, Advocate, is present.

Heard learned Additional Solicitor General for
National Investigation Agency and perused the record.

This criminal appeal has been preferred against the
order dated 22.05.2017 passed by the learned Special Judge,



N.I.A., Patna, in Special Case No.03 of 2017, arising out of R.C. Case No.15 of 2015, by which and whereunder he refused to enlarge the appellant on bail.

Being aggrieved by the aforesaid order dated 22.05.2017, the appellant has preferred this criminal appeal under Section 21 of the National Investigation Agency Act, 2008, on 06.02.2018.

The appellant has also filed I.A. No.724 of 2018 for condonation of delay in filing the instant appeal.

Section 21 of the National Investigation Agency Act, 2008, says that an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law and every appeal shall be heard by a Bench of two Judges of the High Court. Furthermore, the aforesaid Section says that every appeal under the above stated Section shall be preferred within thirty days from the date of the judgment, sentence or order appealed from and first proviso of the aforesaid Section says that the Court may condone the delay, if the appeal is filed after thirty days but second proviso of the aforesaid Section put an embargo upon the power of the Court, saying that no appeal shall be entertained after the expiry of period of ninety days. Therefore,



the second proviso of Section 21 of the National Investigation Act, 2008, goes to show that the Court has got no jurisdiction or power to condone the delay, if the appeal is filed after ninety days from the passing of the order appealed from.

In the present case, admittedly, the present appeal has been filed after ninety days from the date of the order dated 22.05.2017 and, therefore, in our view, this Court has got no jurisdiction to condone the delay and, accordingly, I.A. No.724 of 2018 stands dismissed.

As a result whereof, this appeal is, too, dismissed being time barred.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

P.S./-

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