

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2671 of 2017

Arising Out of PS.Case No. -24 Year- 2016 Thana -IMAMGANJ District- GAYA

=====

Md. Aano Khan @ Aano Khan Son of Nooruddin Haider Khan Resident of
Village - Malhari, Police Station - Imamganj, District - Gaya.

.... Appellant

Versus

The State of Bihar.

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 29-01-2018

Heard learned counsel for the parties.

This criminal appeal has been preferred under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against refusal of the prayer for regular bail to the appellant by order dated 28.11.2016 passed in SC/ST Trial No. 275 of 2016 arising out of Imamganj P.S.Case No. 24 of 2016 by the Exclusive Special Court, Gaya. The appeal was preferred on 13.09.2017, apparently beyond the period of 180 days.

Section 14-A sub-section (3) provides as follows:

14-A. Appeals.-(1) *Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order,*



of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973, (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission or the appeal.

In view of the proviso aforesaid, there is upper cap of 180 days for entertaining any appeal filed under the aforesaid provision. This appeal has been preferred beyond the period,



which cannot be condoned. Hence, petition filed under Section 5 of the Limitation Act by the appellant vide I.A.No. 134 of 2018 stands dismissed and accordingly, this appeal stands dismissed as barred by limitation. The appellant may renew prayer before the learned Special Judge, if so advised.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

