

IN THE HIGH COURT OF JUDICATURE AT PATNA

Govt. Appeal (SJ) No.10 of 2017

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The State of Bihar through Ramesh Kumar Mall, Son of Late Ram Adhar Mall, Resident of Village- Punak, P.S.- Darauli, District- Siwan at present posted as Deputy Superintendent of Police, Vigilance Investigation Bureau, Patna.

.... Appellant/s

Versus

Mukesh Kumar, Son of Late Dineshwar Singh Rathour, Resident of Village- Ranipur, P.S.- Paliganj, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramakant Sharma, Sr. Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

9 05-03-2018

Reg. I.A. No. 2103 of 2017:

This is an application seeking condonation of delay of 410 days in preferring the present Govt. Appeal.

Mr. Ramakant Sharma, learned Senior Advocate appearing for the appellant/petitioner, has submitted that as against the judgment and order of acquittal dated 18.05.2016, passed in Special Case No. 31 of 2005, arising out of Vigilance P.S. Case No. 18 of 2005, for the offences punishable under Sections 7/13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, the certified copy of the judgment was applied for on 09.06.2017, which



was delivered on 21.06.2017. Thereafter, it has been submitted that the file went of the Vigilance Bureau for approval/opinion and it was returned only on 19.07.2017, whereafter the memo of Appeal was filed on 30.08.2017.

No good ground has been shown to this Court for condoning such delay.

Times without number, this Court as well as the Apex Court have held that the State/Government is to be treated at par with the common litigants and any dereliction of duty on the part of the State/Government cannot be lightly condoned. No explanation has been given for the delay in giving opinion by the Vigilance Department, where the file was lying for more than 1 year.

After the approval also, there has been an unexplained delay of more than one and half months in preferring the present memo of Appeal.

No good ground having been shown for condoning the delay, the prayer for condonation is rejected.

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Consequently, the Govt. Appeal also stands dismissed.

(Ashutosh Kumar, J)

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