

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**GOVT. APPEAL (SJ) No.19 of 2019**  
**Along with**  
**Interlocutory Appeal No. 1 of 2019**

Arising Out of PS. Case No.-16 Year-2015 Thana-VIGILANCE District- Patna

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The State of Bihar through Vigilance Investigation Bureau, Bihar, Patna.

... .. Appellant/s

Versus

1. Dr. Pravesh Paswan, aged about 56 years old, (Male), Son of Sri Narayan Paswan, Resident of Village- Rajaura, Police Station- Barbigaha, District- Shekhapura, Bihar.
2. Rajiv Nayan Dubey, aged about 36 years old, (Male), Son of Late Deo Muni Dubey, Resident of village- Khanita, Police Station- Dinara, District- Rohtas, Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant : Mr. Arvind Kumar, Advocate, Spl. P.P./Vigilance  
For the Respondents :

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 23-01-2020**

Interlocutory Application No. 1 of 2019

Heard learned counsel for the appellant.

2. The present Interlocutory Application has been filed seeking condonation of one year and six days delay in filing of Government Appeal (SJ) No. 19 of 2019, preferred against the judgment and order dated 16.08.2018 passed by the Special Judge, Vigilance (Trap Cases), Patna in Special Case No. 7 of 2015 arising out of Vigilance PS Case No. 16 of 2015 by which the respondents have been acquitted of charges under Sections



7/8/13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

3. The appellant, in support of the Interlocutory Application for condoning such delay, has taken the sole ground, as stated in paragraph no. 3 of the Interlocutory Application, which reads as under:

*“3. That systemic official procedures, taking certified copy of the aforesaid order, seeking legal advice and preparation of statement of facts/grounds of appeal are the causes of unintentional delay in filing this Memo of Appeal.”*

4. On a specific query of the Court to explain the stand taken with regard to specific dates and periods, learned counsel for the appellant fairly submitted that such details were not available.

5. Having considered the aforesaid, there is no doubt in the mind of the Court that absolutely no reasons have been assigned, much less, sufficient, to justify condoning the delay, for filing of the appeal after one year and six days beyond the time fixed for the same.

6. In view thereof, in the considered opinion of the Court, based on such stand of the appellant, the limitation in the present case, cannot be condoned.

7. Accordingly, the prayer made in Interlocutory Application No. 1 of 2019 for condonation of delay in filing of



Government Appeal (SJ) No. 19 of 2019 is rejected and Interlocutory Application No. 1 of 2019 stands dismissed.

8. As a consequence, Government Appeal (SJ) No. 19 of 2019 also stands dismissed.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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