

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3229 of 2022

Arising Out of PS. Case No.-142 Year-2020 Thana- BODHGAYA District- Gaya

Munna Kumar @ Munna Yadav S/O Kapil Yadav Resident Of Village-
Moratal, P.S.-BODH Gaya, District- Gaya Appellant/s
Versus

1. The State Of Bihar
2. Soniya Devi wife of Sudhir Manjhi resident of village- Zerhara, P.S.-
Bodhgaya, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Murad Ashraf, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 22-12-2022

I.A. No. 01 of 2022

This appeal has been filed beyond limitation period. I.A. No. 01 of 2022 has been filed in this case for condonation of delay of five months in filing the present appeal. Learned counsel for the appellant submits that the appellant could not prefer the appeal as his father met with an accident and his family fall in hardship and they were not able to approach this Court.

Section 14 A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides that:

“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 90 days from the date of 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 180 days”

The impugned order against which appeal has been preferred is dated 25.01.2022. Even if extension of limitation by the Hon’ble Supreme Court is also taken into consideration, limitation would start running from 01.03.2022 and the same would come to end in the last week of August. This Court cannot extend the limitation period beyond 180 days as stipulated in the aforesaid provision already discussed.

At this stage learned counsel for the appellant seeks permission to withdraw the present appeal along with the interlocutory application with liberty to file a fresh appeal if the need so arose.

As prayed, the appeal is dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

daya/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2022
Transmission Date	23.12.2022