

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1750 of 2021**

Arising Out of PS. Case No.-444 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Ravindra Kumar Son Of Jagdish Singh Resident Of Mohalla- Khalilpura, P.S.- Phulwarisharif, District- Patna, Bihar
 2. Sanjay Singh Son Of Late Ayodhya Singh Resident Of Flat No. 404, Ram Ayodhya Apartment, Near Mohan Atta Chakki, P.S.- Phulwarisharif, District- Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhathu Ravidas Son Of Fatangi Ram Resident Of Rashtriyaganj, Phulwarisharif, P.S.- Phulwarisharif, District-Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vinay Mistry, Advocate
For the State	:	Mr.Sadanand Paswan, Spl P.P
For the Informant/s	:	Mr. Surya Swetabh, Advocate

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

12 03-01-2023 Learned counsel Mr.Vinay Mistry, appearing for the appellants as well as learned APP Mr. Sadanand Paswan, appearing for the State is present. The instant appeal is taken up for hearing on the point of admission.

At the outset, learned counsel for the appellants as well as learned APP for the State are heard in respect of the Interlocutory Application No. 02 of 2022 filed by the appellants with a prayer to condone the delay of two years having taken place in filing this appeal.

It is submitted by learned APP for the State that as per



Sub-Section 3 of Section 14 (A) of SC/ST Act 1989, the instant appeal is not maintainable as the same has been filed after the expiry of the limitation period and a long delay took place in filing this appeal and the delay has not been explained by the appellants in the condonation petition.

It is submitted by learned counsel for the appellants that the appeal should not be dismissed merely on the ground of delay in view of the principle laid down by the Hon'ble Apex Court in the Case of Isha Bhattacharya reported in 2014 (1) PLJR 290 (S.C).

Heard both the sides and perused the above mentioned I.A as well as case record. As per the provisions of Section 14 (A) of SC/ST Act, every appeal which is to be filed against the order passed under SC/ST Act must be filed within a period of 90 days from the date of the order. Though as per proviso mentioned in Sub-Section 3 of Section 14 (A) of SC/ST Act 1989, the High Court may entertain an appeal after the expiry of the said period of 90 days if it is satisfied that the appellants had sufficient cause for not preferring the appeal within the period of 90 days.

In the instant matter, the appeal has been filed against the cognizance order and a long delay of two years have taken



place on the part of appellants in filing this appeal and in the above mentioned I.A, no reason for the delay has been mentioned. However, a prayer has been made by the appellants to condone the delay.

Accordingly, I find the instant appeal to be barred by limitation and hence it is not maintainable as per the provisions of Section 14 (A) of the SC/ST Act 1989, as such, the instant appeal stands dismissed on account of being not maintainable.

The stay granted by the order dated 14.07.2022 shall stand vacated from the date of this order.

(Shailendra Singh, J.)

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