

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.518 of 2024

Arising Out of PS. Case No.-69 Year-2015 Thana- CHHATAUNI District- East Champaran

Kaushalaya Devi, Wife of Late Ajay Kumar Yadav, Resident of Village-
Bhawanipur Zirat, Ward No 21, P.S.- Chhatauni, District- East Champaran,
Motihari

... .. Appellant

Versus

1. The State of Bihar
2. Rajan Sahni Son of Ram Raj Sahani, Resident of Village- Raghunathpur,
P.S.- Turkauliya, Dist- East Champaran, Motihari
3. Sudama Sahni, Son of Lalbabu Sahani, R/O Village- Raghunathpur, P.S.-
Turkauliya, Dist- East Champaran, Motihari
4. Chandan Rai @ Chandan Sahni, Son of Bharat Ram, R/O Village-
Raghunathpur, P.S.- Turkauliya, Dist- East Champaran, Motihari
5. Krishna Yadav, Son of Nagendra Yadav, R/O Village- Dhawahi, P.S.-
Harshidhi, Dist- East Champaran, Motihari
6. Ravi Sahni @ Ravi Kumar Sahni, Son of Bharat Sahani, R/O Village-
Chintamanpur, P.S.- Pipra, Dist- East Champaran, Motihari

... .. Respondents

Appearance :

For the Appellant/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Respondent/s : Mr. Bipin Kumar, Addl PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 16-12-2024

I.A. No. 1 of 2024

This interlocutory application has been filed seeking
condonation of delay of 5 years 6 months in filing of the present
appeal against the judgment of acquittal dated 26.07.2018
passed in Sessions Trial No. 192 of 2016 arising out of
Chattauni P.S. Case No. 69 of 2015 passed by learned
Additional Sessions Judge-XIII, East Champaran at Motihari.



2. As per the stamp reporter, the limitation expired on 24.10.2018 whereas the present appeal has been presented on 23.04.2024.

3. Learned counsel for the appellant submits that the appellant did not know about the limitation period for filing of the instant appeal. She is a '*pardanashi*' woman and was in shock and agony due to murder of her husband. She has two children and she had to look after their well being and education. The appellant was also in financial crisis.

4. Learned counsel for the appellant submits that as soon as the appellant got proper legal advice, she filed the instant appeal.

5. On the other hand, learned Additional Public Prosecutor for the State has opposed this application. It is submitted that the delay is huge and the appellant is unable to show sufficient, much less cogent reason for condonation of delay. It is submitted that the plea taken by the appellant that she did not know the limitation period and was in shock and mental agony which delayed the filing of the appeal are not cogent reasons which may inspire the confidence to explain the huge delay of over 5 years 6 months. It is submitted that accepting such plea to condone the delay may create bad precedent.



6. In course of hearing, learned counsel for the appellant has produced before this Court a copy of the judgment dated 28.08.2024 passed by a learned co-ordinate Bench of this Court in Criminal Appeal (DB) No. 409 of 2024 (Kaushalya Devi Vs. The State of Bihar and Others). By this judgment, the learned co-ordinate Bench of this Court has refused to entertain an appeal filed by the informant against the judgment of acquittal of the other co-accused who faced a separate trial.

7. We have carefully gone through the pleadings available in the interlocutory application of this case. In our opinion, the reasons shown are not cogent reasons and cannot be accepted to condone a delay of 5 years 6 months in filing of the present appeal.

8. The I.A. No. 1 of 2024 stands dismissed.

9. As a result of dismissal of the I.A., the appeal itself stands dismissed.

(Rajeev Ranjan Prasad, J)

(Ashok Kumar Pandey, J)

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