

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1877 of 2024

Arising Out of PS. Case No.-471 Year-2019 Thana- CIVIL LINE District- Gaya

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1. Rajendra Ram Son Of Late Banke Bihari Ram Resident Of Village - Chouri, Sukhdewan Bigha, P.S. - Daudnagar, District - Aurangabad
 2. Ajay Singh Son Of Late Ramswarup Singh Resident Of Village - Nadaura, P.S. - Gurua, District - Gaya
 3. Raj Kishore Yadav Son Of Late Ram Vinod Yadav Resident Of Village - Mundera, P.S. - Konch, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kapildev Paswan Son Of Radhe Paswan Resident Of Village - Babhan Dih, Post - Darioura, P.S. - Aamas, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-01-2025 **I.A. No. 01 of 2024 in Cr. Appeal No.1877 of 2024 (SJ)**

The I.A. No. 01 or 2024 has been filed for condonation
of delay of 1375 days in filing of the memo of appeal.

2. Heard the parties.

3. The present appeal has been filed for grant of
following relief:-

*That this memo of appeal is directed against
order dated 15/02/2021 passed in Civil Line P.S.
Case No. 471/2019 registered u/s 341, 323, 385,
384 504, 506 and 34 of Indian Penal Code and
section 3(1)(r) of SC/ST Act Trial No.220/2021
passed by Learned Exclusive Special Judge
SC/ST Court, Gaya whereby and where under the*



Learned court below has taken cognizance of the offence U/S 341, 323, 384, 385, 504, 506 and 34 of IPC and section 3 (1)(r) of S.C. /S.T. Act, against the appellants.

4. The facts of the case is/are as follows:-

(i) the F.I.R. was lodged by Gaya Civil Line P.S. Case No. 132 of 2019 under different sections of the I.P.C. and 3(i)(r) of the SC/ST Act against the appellants Rajendra Ram, Ajay Singh and Raj Kishore Yadav amongst other.

(ii) the Police investigated the matter and submitted final form on 28.12.2019;

(iii) the matter was taken up by the learned Special Judge, SC/ST, Gaya on 15.02.2021 and having gone through the case diary and the documents on record prima facie found that the case is made out against the appellant and accordingly cognizance was taken against the three appellants.

5. As stated, the order was passed on 15.02.2021.

6. As per the SC/ST (Prevention of Attrocities) Act 1989 (henceforth for short 'the 1989 Act'), **14(A)** deals with the appeals and read as follows:-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a



Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) 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 ninety days from the date of the 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 one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

7. The 90 days period thus came to end around 15.05.2021 and even the extended time in which the Court can entertain an appeal on sufficient cause came to an end around on



14.08.2021.

8. The case of the appellants is/are that they preferred Cr. Misc. No. 30330 of 2023 (Quashing) which was withdrawn on 30.01.2024 as by that time, a Division Bench order had come in Cr. Appeal No. 4792 of 2018 on 09.08.2023.

9. Learned counsel for the appellants submit that in that background, the condonation as the I.A. No. 01 of 2024 be allowed.

10. Learned Special PP representing the State opposes the prayer submitting that the wordings of the 1989 Act is clear, the period for filing appeal is 90 days and the extended period of further 90 days is only when the appellant makes out a valid reason for which they failed to approach the Court, no such valid reason is on record.

11. It has been submitted by the learned counsel for the appellant that in **Satendra and Anr. Vs State of Uttar Pradesh (Cr. Misc. No. 38755 of 2017)** the Full Bench of Allahabad High Court had declared the **14(A)(3) of the SC/ST Act, 1989** ultra vires.

12. Learned Special PP on the other hand submits that **SLP (Crl. No. 544 of 2019) (Union of India vs. Vishnu Behari Tiwari)** is pending before the Hon'ble Supreme Court. He submits that even otherwise there is vague statements in the



Interlocutory Application and delay has not been properly explained.

13. Having gone through the facts of the case and the materials on record as also the submissions put forward by the parties, this Court finds force in the submission of learned Special PP. A cryptic I.A. No. 01 of 2024 has been filed in which the appellants have recorded that once they came to know about the order, it was challenged before the Patna High Court. How and when they came to know about the orders and what steps they took to immediately approach the Court is/are not available in the petition. There is inordinate delay of 1375 days in filing the appeal. In that background, the same is rejected.

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14. In view of the fact that the **I.A. No. 01 of 2024** stands rejected, no relief can be granted. Accordingly, the appeal stands dismissed.

(Rajiv Roy, J)

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