

Arising Out of PS. Case No.-160 Year-2019 Thana- HARLAKHI District- Madhubani

- Appellant/s

1. THE STATE OF BIHAR
2. MOST SUDAMA DEVI WIFE OF LATE SHOBIT PASWAN RESIDENT
OF VILLAGE - KARUNA, P.S. - HARLAKHI, DISTRICT -
MADHUBANI

... .. Respondent/s

For the Appellant/s : Mr.Manoj Kumar Jha, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

3 15-02-2025 Heard Mr. Manoj Kumar Jha, learned counsel for the
appellant and Mrs. Usha Kumari No.1, learned Spl. P.P. for the
State.

2. The present appeal has been preferred for setting aside the order dated 11/02/2021 passed in Harlakhi P.S Case No. 160/2019, G.R No. 123/2019 by Learned Additional Session Judge 1st Madhubani by which learned Judge differing with the final form took cognizance under section 341, 323, 354, 504 of



I.P.C. and Section 3(i)(r) (w) / 3(2)(va) of Schedule Caste & Schedule Tribe (Prevention of atrocities) Act after holding prima case against the accused persons and has issued summons to the appellant.

3. At the outset, learned Special P.P. has pointed out that the cognizance was taken under sections 341, 323, 354, 504 of the Indian Penal Code and 3(i)(r)(w)/3(2)(va) of the SC/ST Act on 11.02.2021. She further submits that the occurrence is of the year 2019 (7.8.2019). The appellants chose to present the appeal three years later in the month of May, 2024 without filing any petition for condoning the delay.

4. It is her further submission that the office has pointed out the defect, not ignored and in that background, the matter was placed before the learned Joint Registrar (Judicial) on 19.06.2024 who gave time till 10.07.2024 to remove the defect(s). It is her submission that still, the limitation petition was not filed.

5. Learned counsel for the appellants though harped on the fact that he will be filing the limitation petition and further he has merit in the case, an appeal filed belatedly after delay of 1084 days without any limitation petition and despite the time granted by the learned Joint Registrar (Judicial),



cannot be entertained.

6. Accordingly, the Cr. Appeal (SJ) No. 2287 of 2024
stands dismissed.

(Rajiv Roy, J)

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