

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2582 of 2024

Arising Out of PS. Case No.-98 Year-2015 Thana- WAJIRGANJ District- Gaya

Gopal Prasad Yadav @ Gopal Prasad Son Of Late Somari Prasad Yadav R/O-
Mohalla- Mali Gali Road No.-1, Wazirganj, P.S.- Wazirganj, District- Gaya
... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Kumar Son Of Kishorei Ravidas R/O- Village- Maula Nagar Murd
Ghati, Po-Ps- Wazirganj, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Purushotam Sharma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 16-01-2025 Heard Mr. Purshottam Sharma, learned counsel for

the appellant and Mr. Sadanand Paswan, learned Special PP for

the State.

2. The present Memo of Appeal is preferred against for
quashing of the order dated 17-05-2023 passed by the court of
Spl. Judge SC/ST Gaya in Wazirganj PS Case No.- 98/15, T.No.-
280/2023 by which the Learned Court has took cognizance
against the appellant u/s- 302, 201 of IPC and 3(2)(v) SC/ST Act
and issued summons for appearance and the case is pending in the
court of Learned Spl. Judge SC/ST Act, Gaya. The Wazirganj PS
Case No.- 98/15 FIR is registered only under section 302/ 201 of
IPC.

I.A. No. 01 of 2024

3. The I.A. No. 01 of 2024 has been preferred for



condoning the delay of 280 days in filing the memo of appeal against the order dated 17.05.2023.

4. It is the case of the appellant that earlier final form was submitted on 24.03.2019 but the cognizance took place on 17.05.2023. The appellant is an old person and having many kind of disease which delayed the filing of appeal.

5. Mr. Sadanand Paswan, learned Special PP has taken this Court to section **14(A) of the SC/ST Act, 1989** which 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.

6. He further submits that after the passing of 180 days, 'the SC/ST Act, 1989' prohibits filing of an appeal. It is his further submission that even otherwise the Interlocutory Application does not disclose anything when he got the information and took steps. Further, there is nothing on record (not a single chit of paper) to show what kind of disease the appellant have. He as such prays for dismissal of Interlocutory Application as also the appeal.

7. 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****Cr. Appeal (SJ) No. 2582 of 2024** ultra vires.

8. 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 in which



the present Section 14(A) of the 1989 Act.

9. Having gone through the facts of the case and the materials available on record as also the submissions put forward by the parties, a perusal of the **I.A. No. 01 of 2024** moved show that vague statements have been made without specifying when the appellant got knowledge about the order, what steps he took and further what kind of disease he has, in that background, submissions put forward by learned Special PP becomes important.

10. In that backdrop, the delay of 280 days having not been explained property by the appellant, no relief can be granted.

11. I.A. No. 01 of 2024 stands rejected.

Cr. Appeal (SJ) No. 2582 of 2024

12. As the I.A. No. 01 of 2024 stands rejected, consequently, Cr. Appeal (SJ) No. 2582 of 2024 stands dismissed.

(Rajiv Roy, J)

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