

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.770 of 2024

Arising Out of PS. Case No.-50 Year-2019 Thana- MAHILA P.S. District- Nawada

Baby Khatoon Wife of Md. Munna, R/o Village -Ajad Nagar, PS
-Bundelkhand, Dist -Nawada. P/A- Bazidpur, PS and Distt.- Sheikhpura.

... .. Appellant

Versus

1. The State of Bihar.
2. Md. Salman @ Salman Khan Son of Md. Jasim, R/o Village- Takiyapar,
Ajad Nagar, PS- Nawada Town (O.P. Bundelkhand), Dist- Nawada.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Birendra Kumar, Advocate
For the Respondents	:	Mr. Parmeshwar Mehta, APP

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 18-03-2025

Re: I.A. No. 01 of 2025:

This is an application seeking condonation of delay
of two hundred and thirty days in filing of the present appeal.

2. The informant-appellant is aggrieved by and
dissatisfied with the judgment dated 11.08.2023 passed by
learned Additional Sessions Judge-VI-cum-Special Judge
POCSO Act, Nawada in POCSO Case No. 64 of 2019, whereby
and whereunder while convicting one of the accused namely,
Md. Fujawa @ Fujo @ Mahfuj, the learned trial Court has been
pleased to acquit another accused namely, Md. Salman @



Salman Khan (respondent no. 2).

3. The present appeal has been filed against the acquittal of respondent no. 2.

4. We find that the only reason shown for the delay of two hundred and thirty days is that the appellant suffered from chronic jaundice and the doctor suggested her complete rest. A statement to this effect has been made in paragraph no. 3 of the application, but no medical paper or test reports of the appellant has been enclosed with the application to satisfy this Court that the appellant was suffering from chronic jaundice and for this reason she was deprived of filing this appeal for two hundred and thirty days. It is not the case of the appellant that she was not aware of the judgment of the learned trial Court. It is also not her case that there was no one in her family to take care of the case and file an appeal before this Court within the period of limitation.

4.1 In fact, we find that the affidavit has been sworn by one Aziz Ansari, who has claimed that he is uncle of the appellant. This gives an impression that there were other family members who were aware of the judgment of the trial Court in which respondent no. 2 had been acquitted, still no effort was made to file the appeal within the stipulated period.

5. In the kind of half-hearted statement presented in



paragraph no. 3 of the application, we are of the considered opinion that the appellant has failed to show sufficient, much less, cogent reason for purpose of condonation of delay.

6. I.A. No. 01 of 2025 is dismissed.

Cr. Appeal (DB) No. 770 of 2024:

7. As a result of dismissal of the limitation petition, this Criminal Appeal cannot proceed.

8. Accordingly, the present appeal stands dismissed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

Shahnawaz/-

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