

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.746 of 2023

Arising Out of PS. Case No.-106 Year-2010 Thana- CHAPRA TOWN District- Saran

Narendra Kumar Son Of Vikramaditya Prasad R/O-Dahiyawa, Near Dr. Bose
Clinic (BHARAT Bhawan), P.S.-Chhapra nagar, distt.-Saran, Chapra

... .. Appellant

Versus

1. The State of Bihar
2. Mohit Kumar, Son Of Vipul Kumar Agrawal, R/O-Sahebganj Sonarpatti,
P.S.-Chapra Nagar, Distt.-Saran
3. Vipul Kumar Agrawal, Son Of Late Loknath Agrawal, R/O-Sahebganj
Sonarpatti, P.S.-Chapra Nagar, Distt.-Saran

... .. Respondents

Appearance :

For the Appellant : Mr. Kundan Kumar, Advocate

For the Respondents : Mr. Abhimanyu Sharma, Addl. P.P.

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

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 17-04-2025

I.A. No. 01 of 2023

This interlocutory application has been filed seeking
condonation of delay of 291 days in filing of the present appeal.

2. The informant-appellant has preferred this appeal
against the judgment of acquittal dated 29.09.2022 passed by
the learned Additional District and Sessions Judge-IX, Saran,
Chapra in Sessions Case No.663 of 2010, G.R. No.1484 of 2010
arising out of Nagar Chapra P.S. Case No.106 of 2010 whereby
and whereunder all the accused persons who were facing
charges under Sections 308/34 and 427/34 of the Indian Penal



Code (in short 'I.P.C.') have been convicted for the offences under Section 323/34 and 427/34 IPC and they have been given the benefit of Probation of Offenders Act.

3. It appears that the appellant has moved this Court under a notion that the Respondent Nos. 2 & 3 have been acquitted because they have been given the benefit of Probation of Offenders Act. Be that as it may, this Court is not required to go into that issue at this stage. Presently, limitation has fallen for consideration.

4. This Court finds that the impugned judgment was passed on 29.09.2022. It is the own statement of the appellant that he had handed over the brief to his counsel to file the instant appeal.

5. The submission of learned counsel for the appellant is that he had prepared the appeal well within time but since the wife of the counsel was diagnosed with cancer, therefore, he got indulged in the treatment. In this regard, he has brought on record a prescription of Oncology Centre (SS Hospital), Kankarbagh, Patna. Perusal of the same would show that the same relates to a lady, namely Chanda Sharma. Her husband name is not written on the prescription. The prescription is dated 18.02.2023 in which it is stated that **"Pt turned up after 2 yrs"**.



The Doctor advised some written investigation, however, it has been observed that there is no abdominal distraction and there is no symptom as such. It is difficult to understand from this one page prescription that after all for what reason the patient had gone to the Doctor after two years. This document does not inspire confidence of this Court.

6. There is a huge delay of about 10 months in filing of the present appeal. There is no sufficient much less cogent reason to explain the delay, we reject this application.

7. I.A. No. 01 of 2023 stands dismissed.

8. As a result of rejection of the application, the criminal appeal cannot proceed. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

(Ashok Kumar Pandey, J)

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