

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3903 of 2024**

Arising Out of PS. Case No.-59 Year-2016 Thana- KARAI PARSURAI District- Nalanda

Mukesh Yadav @ Mukesh Kumar Son of Late Mahendra Yadav Resident of
Village - Sandh, P.S. - Karai Parsurai, District - Nalanda (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Mochi Son of Brijlal Mochi Resident of Village - Sandh, P.S. - Karai Parsurai, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Kumar, Adv.

For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

- 3 28-01-2025 Heard Mr. Rajeev Kumar, learned counsel for the
appellant and Mrs. Usha Kumari 1, learned APP.

2. The present application has been filed for quashing of the cognizance order dated 7.8.2023 passed by the Learned Addl. District Judge -VIth -cum- Special Judge SC/ST Act Nalanda at Biharsharif in SC/ST Case No. 1610/2016 arising out of Karai Parsurai P.S. Case No. 59 of 2016. Whereby and where under the Cognizance has been taken under sections 341, 323, 504, 506/34 of I.P.C. and U/s. 3(I)®(s) of SC/ST Act against the appellant and 2 other accused persons and/or to allow other suitable relief (s) facts and circumstances of the



case.

I.A. No. 01 of 2024

3. The Interlocutory Application has been preferred for condoning the delay of 286 days in filing the appeal arising out of order dated 07.08.2023 by which cognizance has been taken in connection with Karai Parsurai P.S. Case No. 59 of 2016.

4. The paragraph nos. 2 and 3 are the reasons for the delayed filing of the appeal.

5. Learned APP objects to the said incorporation and submits that no plausible reason has been given to satisfy the Court why the delay of 286 days took place in filing the FIR. It is her further submission that the order of cognizance is of the year 2023 and Corona pandemic has nothing to do with it.

6. This Court is in-line with the submission of learned APP. The limitation petition filed by an appellant must have plausible reason to satisfy the Court so that the delay can be condoned. No such material is on record.

7. In that background, in the opinion of the Court, the I.A. No. 01 of 2024 in Cr. Appeal (SJ) No. 3903 of 2024 deserves dismissal.

8. Accordingly, the same is dismissed.



Cr. Appeal (SJ) No. 3903 of 2024

9. In view of the fact that the I.A. No. 01 of 2024 has been dismissed, Cr. Appeal (SJ) No. 3903 of 2024 also stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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