

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5275 of 2024

Arising Out of PS. Case No.-1 Year-2022 Thana- SC/ST District- Bhagalpur

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1. Deepshikha @ Deepshikhanand Parina @ Dipshikha Nand Parina Son of Raghunath Mandal VILLAGE -ISHARI TOLA PS- SABOUR DISTRICT -BHAGALPUR
 2. Ashok Kumar Sah @ Ashok Shah son of Late Suresh Prasad Sah VILLAGE -ISHARI TOLA PS- SABOUR DISTRICT -BHAGALPUR
 3. Sunil Kumar Sharma @ Sunil Sharma Son of Late Khantar Mistri village- Lehri Tola, Ps- Sabour, Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Shashidhar Prasad Son of Late Triloki Paswan village- Lehri Tola Sabaur (Choti Hath), Ps- Sabour, Dist- Bhagalpur P/A- Fatehpur tola, Ps- Sabaur, Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-02-2025 Heard Mr. Rohit Kumar representing Mr. Vishwajeet Kumar Mishra for the appellant and the State, Mr. Binay Krishna.

2. The present appeal has been preferred for:

*“setting aside the order dated
04.06.2022 passed by the Learned 3rd
Additional District & Sessions Judge-cum-
Special Judge (SC/ST), Bhagalpur in
Bhagalpur SC/ST P.S. Case No. 01 of 2022*



dated 20.01.2022 registered for offences punishable under Section 147, 148, 149, 323, 341, 384, 504 & 506 of the Indian Penal Code, 1860 read with Section 3(1)(r)(s) and 3(2)(va) of the SC/ST Act, wherein the Learned Court took cognizance against the Appellants under Section 341, 323, 324, 307, 504 and 34 of the Indian Penal Code, 1860 read with Section 3(1)(r)(s) and 3(2)(va) of the SC/ST Act based on the Final Report No. 22 of 2022 for the offences under Section 341, 323, 504, 506 & 34 of the Indian Penal Code, 1860 read with Section 3(1)(r)(s) and 3(2)(va) of the SC/ST Act submitted on 20.01.2022.”

3. The cognizance order was passed on 04.06.2022 and the period for filing appeal lapsed on 02.09.2022.

4. After 805 days, the appellant chose to file the appeal without the limitation petition.

5. The matter was taken up by the learned Joint Registrar (Judicial) on 02.12.2024 and time till 03.01.2025 was granted to remove the defect(s) which included filing of the



limitation petition.

6. The appellant who already took 805 days to file an appeal without limitation petition further chose not to remove the defect(s) which included filing of the limitation petition.

7. Any appeal with such an inordinate delay without a limitation petition has got no meaning and keeping it pending for long is only going to increase the files in the Office of the Patna High Court when the appellant has shown no interest in the case.

8. Accordingly, being bereft of the limitation petition, the present appeal stands dismissed.

(Rajiv Roy, J)

Adnan/-

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