2026:JHHC: 17211

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Acq. Appeal No.69 of 2022

The Senior Division Railway Security Commissioner, Railway Security Force, East Central Railway Dhanbad, through Mr. Premdeep Sanjay @ Poremdeep Singh, age-55 yrs. Son of Sri Yogendra Upadhayay Assistant Secretary Commissioner Railway Protection Force, resident at Dhanbad, P.O. & P.S.-Dhanbad, District-Dhanbad.

..... Appellant

Versus

1. Dharma Ravidas son of Dwarika Ravidas aged about 34 years, Resident of Village Deokuli, P.S.-Ichak, Dist.-Hazaribagh, State Jharkhand.
2. Santosh Kashera son of Badri Kashera aged about 46 years.
3. Surendra Kashera son of Shyam Lal Kashera aged about 35 years.
4. Pradeep Kashera son of Tejo Kashera aged about 46 years.

Respondent No.2 to 4 are resident of village-Bishungarh, P.S. & P.O.-Bishungarh, Dist.-Hazaribagh, State-Jharkhand. **..... Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Sunil Kumar, Advocate
For the Respondents : Mr. Shailendra Jit, Advocate

09/ Dated: 05th November, 2026

I.A. No.8941 of 2024

1. The present interlocutory application being I.A. No.8941 of 2024 has been filed seeking leave to appeal against the judgment of acquittal dated 27.06.2022, passed by the learned Judicial Magistrate Railway, Dhanbad, in R.P Case No.104/2007, T.R No.522/2022, arising in connection with Gomo Railway Security Force P.S Case No.26 of 2007, instituted under Section 3 of the Railway Property (Unlawful Possession) Act, 1966, whereby the respondents have been acquitted holding that the prosecution has failed to establish its case.

2. Sub Sections 3, 4 & 5 of Section 378 of the Code of Criminal Procedure are relevant in the matter, which read as under :-

> *"**378. Appeal in case of acquittal** -*
> *.....*

> .....
> ***(3)*** *No appeal to the High Court under sub-section (1) or sub-section (2) shall be entertained except with the leave of the High Court.*
> ***(4)*** *If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.*
> ***(5)*** *No application under Sub-Section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of six months, where the complainant is a public servant, and sixty days in every other case, computed from the date of that order of acquittal .*
> .....”

3. In the present case from perusal of record, it transpires that the judgment of acquittal has been passed on 27.06.2022 whereas the acquittal appeal has been filed on 11.11.2022 and leave to appeal application has been filed on 07.08.2024. The maximum period of limitation prescribed is six months, where the complainant is a public servant, and sixty days in every other case, which will be counted from the date of order of acquittal.

4. There is no explanation for filing leave to appeal application in such a belated stage. Accordingly, giving effect to the aforesaid law, I.A. No.8941 of 2024 is, hereby, dismissed.

5. Consequently, the present acquittal appeal also stands dismissed.

(Rajesh Kumar, J.)

05th November, 2026
Ravi-Chandan/-
Uploaded on 06.11.2026