

In the court of Principal District Judge, Gaya Ji

Criminal Appeal Case No. 17/2026

Arising out of Complaint Case No. 357/2022

Pankaj Kumar vs State of Bihar & Ors

30.05.2026

Present

For the Appellant-----Sri Muddassir Suleman, Advocate

For the State-----Sri S.B. Ojha, P.P.

(1) This criminal appeal is directed against the judgement dated 24.07.2025 passed by Sri Ashish Kumar, J.M.F.C.

Sherghati in connection with Complaint Case No. 357/2022 whereby the two accused persons have been acquitted for all the charges. As per office report, this appeal has been filed on 27.05.2026, which is barred by limitation.

(2) By moving the petition filed under Section of 5 of the Limitation Act, submission advanced by the ld. counsel appearing on behalf of appellant is to the effect that after getting the knowledge regarding the judgement passed by the court of Sri Ashish Kumar, J.M.F.C. Sherghati in said complaint case. The ld. counsel further submitted that the period of limitation whatsoever, in filing this appeal, on the part of appellant (complainant) may be condoned as no deliberate laches can be

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attributed to the appellant in filing this appeal.

(3) Responding to the submission advanced by the appellant on the point of limitation, the P.P. propounded that the appellant has approached this court after unpardonable delay of nearly six months even without the explaining the delay of each day as required by the law.

(4) The ld. P.P. further submitted that the appellant happens to be complainant of the said complainant case and contested the matter in ld. court below, so taking the plea of lack of knowledge by the appellant is un-understandable. The ld. P.P. further contended that it is settled principal of law that “Substantial Justice” cannot be used as a ground to negate the law of limitation and if such a long delay of approximately six months is condoned, it will frustrate the very purpose of Limitation Act, which is based on the maxim “Vigilantibus non dormientibus jura subveniunt”.

(5) Heard both sides and perused the record.

(6) This court is struck by audacity of casual manner in

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which the appellants have filed the petition under Section 5 of the Limitation Act seeking condonation of delay of significant period of time of nearly six months. This petition consists of very short plea and the sole ground taken in this petition is that they got to know regarding the judgement passed in the said complaint case.

(7) This court is of the view that such a prolong delay calls for sufficient cause, which is notably missing here. The court expects that such a long period of delay, beginning from the last day of limitation that has been prescribed till the day on which this appeal has been filed, should have been explained step by step by the appellants so as to substantiate their claim that there was no laches on part of them, especially when appellant was fully aware regarding the said complaint case as it has been brought by the appellant himself and he has contested in said matter before court below as complainant. In this case, the appellant has failed miserably to show sufficient cause of delay in filing this appeal rather it appears to be gross

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negligence on the part of the appellant.

(8) Considering the submissions advanced by parties, this court is of the opinion that in the present case, grounds taken for the condonation of delay of nearly six months by the appellant has not at all been substantiated by sufficient cause. As such this court is not inclined to entertain the petition filed under Section 5 of the Limitation Act seeking condonation of delay and it deserves to be dismissed and is accordingly dismissed.

Consequently, the instant appeal stands dismissed.

Dictated and corrected by

Sd/-
(P.K. Malik)
Sessions Judge
Gaya ji
30.05.2026

Sd/-
(P.K. Malik)
Sessions Judge
Gaya ji
30.05.2026

Date of Order	30.05.2026
Date of reserving Order	N/A
Uploading Date	05.06.2026
Uploaded by	Steno (Vikash Kumar)