

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 40 of 2024

Binod Mahato & Ors.			Appellants
Versus			
The State of Jharkhand & Anr.	...		Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants	: Mr. Gautam Kumar, Advocate
For the Respondents	: Mr. Sanat Kumar Jha, Advocate

Order No. 02 / Dated : 15.05.2024.

The office has pointed out the defect in preferring the instant appeal after 180 days of the statutory period prescribed under Section 14A(3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Instant appeal has been filed on 25.01.2024 against the order taking cognizance dated 17.02.2020 in SC/ST Case No. 97 of 2019 under Sections 323, 341/34 of Indian Penal Code and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is submitted by learned counsel for the appellants that in the matter of delay after 180 days, the Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 657 of 2023 held that the appeal was maintainable and objection raised by the office was overruled.

It is further submitted that the matter regarding delay in preferring the appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was considered by the Full Bench of High Court of Allahabad as reported in 2022 SCC OnLine All 975, wherein second proviso to Section 14A(3) of the 1989 Act which provides limitation for condonation of delay in filing appeals under Section 14A of the aforesaid Act. The aforesaid proviso was held to be ultra vires.

Considering the submissions made, the Criminal Appeal is admitted and office to proceed accordingly.

(Gautam Kumar Choudhary, J.)

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