

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No. 140 of 2025

1. Chandradeo Choudhary

2. Anil Choudhary

3. Budhani Devi

4. Santosh Kumar Choudhary @ Santosh Choudhary

5. Lali Choudhary

.....**Appellants**

Versus

1. The State of Jharkhand

2. Rani Devi

.....**Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. Syed Tafazzul Sajid, Advocate

: Mr. Ashok Kumar, Advocate

For the State : Mr. Naveen Kr. Gaunjhu, A.P.P

Order No: 03/ Dated: 15.09.2025

This Criminal Appeal has been filed on behalf of the appellants by challenging the order taking cognizance dated 08.07.2019 passed by the learned Additional Sessions Judge-I, Garhwa in SC/ST Case No. 23 of 2019 by which the learned Additional Sessions Judge-I, Garhwa has taken cognizance against the appellants under Sections 324, 341, 429, 504, 506, 385 and 379 of I.P.C and Section 3(1)(r)(i)(s)(1)(g) of SC/ST Act.

I.A No. 1762 of 2025

2. I.A No. 1762 of 2025 has been filed on behalf of the appellants under Section 5 of the Limitation Act for condoning the delay of 1938 days in filing this Criminal Appeal.

3. Learned counsel for the appellants has submitted that earlier the appellants had filed Cr.M.P No. 1489 of 2024 before this High Court and which was dismissed as withdrawn on 16.12.2024 by the Co-ordinate Bench (Hon'ble Mr. Justice Anil Kumar Choudhary) with the liberty to file an appeal under Section 14(A) of SC/ST Act. It is submitted that the appellants are poor persons and the reason for delay is due to lack of knowledge of the appellants to file this Criminal appeal and hence, the delay of 1938 days in filing this Criminal Appeal may be condoned.

4. On the other hand, learned counsel for the State has raised objection and submitted that the proper explanation has not been given by the appellants. It is submitted that the police had submitted charge sheet against the appellants for the offence under Section 147, 341, 323, 504 and 506 of the I.P.C. Thereafter, the learned Court below has taken cognizance against the appellants under Sections 324, 341, 429, 504, 506, 385 and 379 of I.P.C and Section 3(1)(r)(i)(s)(1)(g) of SC/ST Act itself.

5. It appears that even the appellants had filed Cr.M.P No. 1489 of 2024 which was dismissed as withdrawn on 16.12.2024 by the Co-ordinate Bench (Hon'ble Mr. Justice Anil Kumar Choudhary) with the liberty to file an appeal under Section 14(A) of SC/ST Act.

6. It further transpires that the learned Court below has taken cognizance against the appellants on 08.07.2019 itself and even the Cr.M.P No. 1489 of 2024 was filed after around five (05) years and no criminal appeal was filed before this High Court under the provisions of Section 14(A) of SC/ST Act.

7. It is further evident that the delay has not been sufficiently explained on behalf of the appellants and there is delay of more than four (04) years in filing the Cr.M.P No. 1489 of 2024 and there is delay of 1938 days in filing this Criminal Appeal.

8. Under the circumstances, this Court is not inclined to condone the delay of 1938 days in filing this Criminal Appeal.

9. Thus, I.A No. 1762 of 2025 is hereby rejected and consequently, this Criminal Appeal (S.J.) No. 140 of 2025 is also, hereby, dismissed.

(Sanjay Prasad, J.)

Dated: 15.09.2025

Avinash/