

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 567 of 2023

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| 1. Chandra Bhushan | |
| 2. Kunal Kishore @ Kunal Kishori | Appellants |
| Versus | |
| 1. The State of Jharkhand | |
| 2. Sarju Paswan | Respondents |

CORAM : HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Appellants	: Mr. B.M. Tripathi, Sr Advocate
	: Mr. Rahul Lamba, Advocate
	: Mr. Aditya Mohan Khandelwal, Advocate
For the State	: Mrs. Vandana Bharti, APP
For the Resp. No. 2	: Mr. Navneet Toppo, Advocate

03 /21.11.2023

IA No. 8807 of 2023

Heard the learned counsels for the parties.

The learned counsel for the appellants on the issue of maintainability on limitation, has referred the Full Bench decision of the Allahabad High Court in *re Provision of Section 14 A of SC/ST (Prevention of Atrocities) Amendment Act, 2015 v. Nil* reported in *2018 SCC OnLine All 2087, para 121(A)*. He has also pointed out that in view of the decision of the Hon'ble Supreme Court in *Kusum Ingots & Alloys Ltd. v. Union of India and another* reported in *(2004) 6 SCC 254, para 22*, the decision of the Full Bench decided under Article 226 (2) of the Constitution of India questioning the constitutionality of a parliamentary Act decided by the Full Bench will have territorial jurisdiction beyond the State concerned. Further, counsel for the appellants has said that in his case section 14 of the Limitation Act will also have a bearing and in his instance, harmonious reading of the limitation contained in the SC/ST (Prevention of Atrocities) Act, 1989 and the Limitation Act whereby the period will be reduced by 138 days. In view of that there is delay within 180 days and therefore the appeal is fully maintainable and the delay deserves to be condoned because it is within 180 days.

The learned counsel for the informant as well as the learned counsel for the State seek time to reply the grounds raised by the counsel for the appellants.

Accordingly, liberty is granted to the learned counsel for the

informant as well as the learned counsel for the State to file the counter affidavits.

Put up this case on 11.12.2023.

Till then, interim relief granted vide order dated 16.10.2023 shall continue.

(Ratnaker Bhengra, J.)

Sharda/