

(2025) 01 JH CK 1762

In the Jharkhand High Court

Case No : Miscellaneous Appeal No. 389 Of 2024

Raghubir Tiwary

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 22-01-2025

Acts Referred:

Citation : (2025) 01 JH CK 1762

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Amit Kumar, Rishi Bharti, Swati Shalini

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. I.A. No.11422 of 2024 has been filed for condonation of delay of 74 days in filing the miscellaneous appeal.
2. learned counsel for the appellant submits that the said delay has occurred as the wrong forum has been chosen by the appellant by way of filing first appeal which is not maintainable and the first appeal was disposed of holding that the first appeal is not maintainable. He submits that in view of that the said delay has occurred in presenting the miscellaneous appeal.
3. Learned counsel for the CCL as well as the respondent State opposed the prayer on the ground that sufficient ground has not been made out.
4. It is well settled that if a party has chosen the wrong forum and the delay has occurred in pursuing the same that period can be condoned and as such the Court finds that sufficient ground is made out, and hence, the said delay is hereby condoned and consequently the instant I.A is allowed and disposed of.
5. Call for the trial court records in Reference Case No.30 of 2019 from the learned court concerned.

6. Let this matter appear on 10.03.2025 under the appropriate heding.

7. Learned counsel for the respondent nos.1 and 2 will assist the Court on the next date.