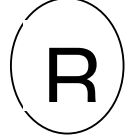




**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH
DATED THIS THE 17TH DAY OF JULY, 2025
BEFORE
THE HON'BLE MR. JUSTICE V SRISHANANDA**



**CRIMINAL APPEAL NO. 200366 OF 2024
(378(Cr.PC)/419(BNSS))**

BETWEEN:

THE STATE OF KARNATAKA,
THROUGH SHAHAPURA POLICE STATION,
YADAGIRI DISTRICT,
REPRESENTED BY,
ADDL. STATE PUBLIC PROSECUTOR

...APPELLANT

(BY SMT. ARATI PATIL ,HCGP AND
SRI B.A. BELLIPPA, SPP-1)

AND:

1. BASALINGAPPA S/O SIDDAPPA CHATNALLI,
AGE: 30 YEARS, OCC: AGRICULTURE.
2. MANAPPA @ MALLAPPA
S/O SHIVAPPA DALI,
AGE:38 YEARS, OCC: AGRICULTURE
3. BABU S/O KHAJAHUSAINI,
AGE:53 YEARS, OCC:AGRICULTURE,
4. CHOUDAPPA S/O PRABHURAYA KARLI,
AGE:50 YEARS, OCC:AGRICULTURE,





5. MAHIBOBSAB S/O HUSSAINSAB DODDAMANI,
AGE:50 YEARS, OCC:AGRICULTURE.
6. RAYAPPA S/O NINGAPPA BANATIHAI,
AGE:31 YEARS, OCC:AGRICULTURE,

ALL R/O. KANYAKOLLUR, TQ. SHAHAPUR-585223.,

...RESPONDENTS

(BY SRI. CHAITANYAKUMAR C.M., ADVOCATE FOR R1 TO R6)

THIS CRL.A. IS FILED U/S. 378 (1) AND (3) OF THE CR.P.C (OLD), U/S. 419 (1) AND (3) OF BNSS (NEW) , PRAYING TO A) GRANT LEAVE TO APPEAL AGAINST THE JUDGMENT AND ORDER DATED 07.09.2023 PASSED BY THE DISTRICT AND SESSIONS JUDGE AT YADAGIRI IN SPECIAL CASE NO. 19/2014 THEREBY ACQUITTING THE ACCUSED/ RESPONDENTS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 324, 504, 506 R/W SECTION 149 OF THE INDIAN PENAL CODE AND UNDER SECTION 3(1)(x) OF THE SCHEDULE CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES ACT, 1989. B) SET ASIDE THE JUDGMENT AND ORDER DATED 07.09.2023 PASSED BY THE DISTRICT AND SESSIONS JUDGE, YADGIRI IN SPECIAL CASE NO. 19/2014 THEREBY ACQUITTING THE RESPONDENTS - ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 324, 504, 506 R/W SECTION 149 OF THE INDIAN PENAL CODE AND UNDER SECTION 3(1)(x) OF THE SCHEDULED CASTES AND SCHEDULES TRIBES (PREVENTION OF ATROCITIES ACT, 1989). C) CONVICT AND SENTENCE THE RESPONDENTS/ ACCUSED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 324, 504, 506 R/W SECTION 149 OF THE INDIAN PENAL CODE AND UNDER SECTION 391(X) OF THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES ACT, 1989).



THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE V SRISHANANDA)

1. Heard on I.A.No.1/2025.
2. Objections filed by the respondent Nos.1 to 6 is taken on record.
3. State has preferred the appeal challenging the order of acquittal passed in Special Case No.19/2024.
4. I.A.No.1/2025 is filed under Section 5 of the Limitation Act, with an affidavit of Sri.Jaavid S/o. Vazeerbeg Inamdar, Deputy Superintendent of Police, Surapur Sub-Division, district Yadgiri, wherein, it has been contended as under:

"2. I further submit that, the impugned judgment and order dated 07.09.2023. The copy of judgment was applied on 11.09.2023, the said copy was kept ready on 15.09.2023 and same was obtained on 15.09.2023. Thereafter, the Public



Prosecutor has given an opinion that, the said case fit to prefer and appeal. Thereafter, the said judgment and opinion of the prosecutor was sent to the Director of Prosecution who in term after verifying the records have given an opinion on 17.11.2023, that the said case is fit to prefer an appeal. The said opinion was sent for the Government, the Home Department, after verifying the entire records have passed the Government Order No.HD:HD:2169:HCP-1:2024 Bengaluru, dated 17.05.2024 for preferring the Criminal Appeal. Thereafter, on 27.05.2024 the G.O. has been sent to the office of Addl. State Public Prosecutor, High Court of Karnataka, Kalaburagi Bench, Kalaburagi. Thereafter, the records were given to the Government Pleader for drafting the same. Few records were not legible, hence, through telephonically it was intimated to the concerned officer to furnish the legible copies. Thereafter, after obtaining the required records same was placed before the High Court Government Pleader, immediately the Criminal Appeal has been preferred after going through the entire records.

3. *I submit that, there is a delay in filing the Criminal Appeal the delay is neither intentional nor deliberate. But the same is due to bonafide reasons as mentioned above."*



5. Sri. Chaitanyakumar C.M., by filing written objections contends that this Court has no power to condone the delay more than 180 days as per Second proviso to Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. Having heard the arguments of both sides, it is necessary for this Court to cull out Section 14-A(2) of the aforesaid Act, which reads as under:

14-A. Appeals-

(1) xxxx

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the Judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety



days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days;

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall as far as possible be disposed of within a period of three months from the date of admission of the appeal."

7. On careful consideration of the above statutory provision, the framers of legislation have provided second proviso wherein there is a total bar for entertaining the appeal after expiry of period of 180 days.

8. Therefore, in view of the statutory bar, the delay of 381 days in filing the appeal cannot be condoned.

9. Learned Special Public Prosecutor Sri. B.A.Belliappa, however, contended that, taking away the right of appeal only on the ground of technicality may workout harsh in a given case and substantial justice would



be denied to a litigant only on the technical ground of limitation.

10. No doubt, there is sufficient force in the arguments put forth by the learned Special Public Prosecutor. Nevertheless, since there is a statutory bar which is mandatory in nature in view of a word '*shall*' being found in second proviso to Section 14(2), as referred supra. As such, the Courts are only expected to enforce the law that has been enacted by the Legislature.

11. It is always open for the learned Special Public Prosecutor to place a copy of this order before the Legislature to amend the statute if need be to provide a remedy for a litigant in such circumstances, where the delay has occurred on account of the reasons that are not attributable to a negligent litigant, but on account of bonafide reasons.

12. With that observation, the following order:



ORDER

(i) I.A.No.1/2025 is dismissed in view of second proviso to Section 14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989;

(ii) Consequently, the appeal is ***dismissed.***

**Sd/-
(V SRISHANANDA)
JUDGE**