

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Appeal (D.B.) No.02 of 2024**  
**With**  
**I.A. No. 93 of 2024**

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Shankar Kumar Choudhary alias Shankar Choudhary  
... .. Appellant  
Versus  
State of Jharkhand ... .. Respondent  
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**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**  
**HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**  
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For the Appellant : Mr. Arwind Kumar, Advocate  
For the Respondent : Mr. Vineet Kr. Vashistha, Spl. P.P.  
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**Order No. 02/Dated 31<sup>st</sup> January, 2024**

**1.** Learned counsel appearing for the appellant has sought for leave of this Court to make necessary correction in the provision of law under which the delay condonation application (I.A. No.93 of 2024) has been filed because due to inadvertence the application has been filed under Section 5 of the Limitation Act instead of filing it under Section 21(5) of the National Investigation Agency Act, 2008.

**2.** Considering the aforesaid submission, let necessary correction be made in the provision of law in course of the day.

**3.** Learned counsel appearing for the appellant, in view of the office note dated 20.01.2024, whereby and whereunder the issue of maintainability has been raised since the instant appeal has been filed beyond the period of 90 days, which according to the office, is not in consonance

with the provision of Section 21(5) of the N.I.A. Act, 2008, seeks leave of this Court to withdraw this appeal.

**4.** Accordingly, the instant appeal is dismissed as withdrawn.

**5.** The pending interlocutory application (I.A. No.93 of 2024) also stands disposed of.

**(Sujit Narayan Prasad, J.)**

**(Pradeep Kumar Srivastav, J.)**

Birendra/