

GAHC040010192023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(Crl)/45/2023

Bake John @ Jhon Tara Bakey and 2 Ors.

Age: 28

Occupation :

Address:S/o Shri Bakey Taukh

Resident of Rono Village

PO/PS Doimukh

Dist. Papumpare

AP

2: Bengia Sagung

Age: 39

Occupation :

Address:S/o Shri Bengia Tanak

Resident of Village Pari

PO/PS Koloriang

Dist. Kurung Kumey

AP

3: Nabam Rama (Advocate)

Age: 38

Occupation :

Address:S/o Late Nabam Tok

Resident of Village Yupia

PO/PS Doimukh

Dist. Papum Pare

AP

VERSUS

VERSUS

THE STATE OF AP

Represented through the public prosecutor, Gauhati High Court, Itanagar, Itanagar,
Permanent Bench, Yupia.

Advocate for the Petitioner : T Torum

Advocate for the Respondent : P P of AP

Linked Case : Crl.Rev.P./23/2023

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Resident of Village Yupia

PO/PS Doimukh

Dist. Papum Pare

AP

VERSUS

THE STATE OF AP

Age: 0

Occupation :

Address: Represented through the Public Prosecutor
Gauhati High Court Itanagar Permanent Bench
Yupia

Advocate for : Tayum Son

Advocate for : P P of AP appearing for THE STATE OF AP: Advocate appearing for respectively.

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 04-10-2023

Heard Mr. T. Torum, learned counsel for petitioners. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 5 of the Limitation Act, 1963, praying for condoning the delay of 6 (six) months and 12 (twelve) days in filing the Criminal Revision Petition No. 23/(AP)2023, which revision is directed against the order, dated 20.10.2022, passed by the learned Chief Judicial Magistrate, Yupia, in G. R. Case No. 401/2015, under Section 417 IPC, whereby, the application filed by the petitioners for compounding the offence under Section 417 IPC has been rejected by the Chief Judicial Magistrate, Yupia.

3. The petitioners no. 1 & 2 are stated to be the accused and the petitioner no. 3 is stated to be the complainant in the aforesaid G. R. Case.

4. Seeking condonation of delay of 6 (six) months and 12 (twelve) days in filing the Criminal Revision Petition No. 23/(AP)2023, the applicants state that the petitioner no. 1, who is the main accused in the aforesaid G. R.

Case, is a regular student of law at Himalayan University, Itanagar. As the petitioner no. 1 was pursuing his regular LLB course at Himalayan University, the petitioners could not file the aforesaid Criminal Revision Petition No. 23/(AP)2023, within the stipulated time, challenging the order, dated 20.10.2022, passed by the learned Chief Judicial Magistrate, Yupia, in G. R. Case No. 401/2015, under Section 417 IPC.

5. On consideration of the grounds assigned by the petitioners, as highlighted hereinabove, I am of the view that the petitioners were prevented by sufficient cause in not preferring the Criminal Revision Petition No. 23/(AP)2023, within the stipulated time. Accordingly, the delay of 6 (six) months and 12 (twelve) days in preferring the Criminal Revision Petition No. 23/(AP)2023, is hereby, condoned in the interest of justice.

6. The interlocutory application stands allowed and disposed of.

JUDGE

Comparing Assistant