

GAHC010075782023



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

Case No. : I.A.(Crl.)/382/2023

RAGLAL BHUMIJ
S/O KALU BHUMIJ,
VILL.- NO. 9 KRISHNAPUR,
P.S.- PHILLOBARI, DIST.- TINSUKIA, ASSAM, PIN- 784170.

VERSUS

STATE OF ASSAM AND ANR.
THROUGH THE PUBLIC PROSECUTOR.

2:SEFALI RAJBHOR
W/O BHRIGU RAJBOR

VILL.- NO. 9 KRISHNAPUR GAON

P.S.- PHILLOBARI
DIST.- TINSUKIA
ASSAM- 784170

Advocate for the Petitioner : MR. B CHAKRAVARTY

Advocate for the Respondent : PP, ASSAM

Linked Case :

RAGLAL BHUMIJ

VERSUS

STATE OF ASSAM AND ANR. H

Advocate for : MR. B CHAKRAVARTY
Advocate for : appearing for STATE OF ASSAM AND ANR. H

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

09.10.2023

(M. Zothankhuma, J)

1. Heard Mr. B. Chakraborty, learned counsel for the applicant, who submits that there is a delay of 2307 days in filing the appeal against the judgment and order dated 20.09.2014 passed by the Sessions Judge, Tinsukia in Sessions Case No.172(T)/2012, by which the appellant has been convicted under Section 302/323 IPC and sentenced to undergo rigorous imprisonment for life with a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for 6 (six) months under Section 302 IPC. He has also been sentenced to pay a fine of Rs.500/-, in default rigorous imprisonment for 1 (one) month under Section 323 IPC.

2. The applicant's counsel submits that the applicant being a poor tea garden labourer coming from the lowest strata of society, with little means of subsistence, besides being unaware of the legal process, he could not approach lawyers at the earliest opportunity for challenging the verdict. Further, he being the sole bread earner of his ailing wife and minor children, the applicant could

only make contact with one Advocate in October, 2017, who however became ill with a terminal disease. It was only in October 2021 that the brother of the applicant came to know of the problem being faced by the applicant, due to which the applicant came to know that he could file an appeal through Jail Authority. Accordingly on 31.08.2022, he made an appeal, vide a one page letter and asked the Jail Authority to forward the same to this Court. Thereafter, the Jail Authority vide letter dated 01.09.2022 forward his one page letter/appeal to this Court. Subsequent to the above, the applicant could contact the present counsel, who took up his case in March, 2023 and prepared the appeal. The applicant thus inadvertently filed the appeal after a delay of 2307 days. He prays that same should be condoned.

3. Ms. S. Jahan, learned Additional Public Prosecutor submits that she does not have any objection to the delay being condoned.

4. On considering the reasons for the delay given by the applicant and keeping in view the submission of the learned Additional Public Prosecutor, we find that sufficient cause for the delay has been made out. Accordingly, the delay of 2307 days in filing the present appeal is condoned.

5. Registry to register the appeal and list the same after a week.

6. I.A.(Crl.) is accordingly disposed of.

JUDGE

JUDGE

Comparing Assistant