

GAHC040000292024



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

Case No. : IA(Crl)/3/2024

Oku Taku
Son of Tanyo Taku, resident of Sumsing vilalge, PO Katan, PS Yingkiong, Upper
Siang District, AP

VERSUS

The State of Ap and Anr
represented by the PP, AP 2:XXX
Age: 0
Occupation

Advocate for the Petitioner : Orin Modi

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 05.08.2024

Heard Mr. O. Modi, learned counsel for the applicant. Also heard Mr. G. Tado, learned Additional Public Prosecutor for the State respondent No. 1 and Mr. C. Modi, learned counsel for the respondent No. 2.

By filing this application under Section 5 of the Limitation Act, 1963, the applicant has prayed for condonation of delay of 681 days in filing the connected criminal appeal against the judgment and order of conviction dated 30.12.2021, passed by the learned District & Session Judge, Pasighat in PSG SESS Case No. 05/15, corresponding to Yingkiong P.S. Case No. 23/2015, under Section 376(2) (f)/506 IPC *read with* Section 4 of the POCSO Act.

The learned counsels appearing for the respondents in fact have no technical objection as the appeal is a statutory right of the applicant. However, Mr. G. Tado, learned Additional Public Prosecutor, submits that the applicant has failed to explain each day of delay in the present application.

Perused the cause of delay as explained in the application.

On consideration of the grounds and the submissions of the learned counsels for the parties, this Court is satisfied that the cause shown in the application, appears to be genuine and *bona fide* one which has prevented the applicant from filing the connected appeal within the statutory period of limitation.

Having considered above, the present application is allowed. Accordingly, the delay of 681 days in filing the connected appeal against the judgment and order dated 30.12.2021, passed by the learned District & Session Judge, Pasighat in PSG SESS Case No. 05/15, corresponding to Yingkiong P.S. Case No. 23/2015, under Section 376(2) (f)/506 IPC *read with* Section 4 of the POCSO

Act, is hereby condoned.

Registry to list the connected criminal appeal, being CrI. A. No. 02(AP)/2024, for Admission hearing in its usual course.

The interlocutory application stands allowed and disposed of.

JUDGE

Comparing Assistant