

GAHC040006762024



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

Case No. : IA(Crl)/47/2024

Passang Tashi @ Shanu
Son of Late Nima Tsering, resident of Yuithembu village, PO and PS Jang, West
Kameng District, Arunachal Pradesh

VERSUS

The State of AP and Anr
through the PP of AP 2:Ngawang Ngorup
Age: 65
Occupation

Advocate for the Petitioner : Tshering Yangzom Bhutia
Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 24-07-2024
(Marli Vankung, J)

Heard Mr. T. Tagia, learned counsel for the applicant, who has filed the instant application under Section 5 of the Limitation Act, 1963 for condonation of delay of 58 days in filing the appeal against the Judgment & Order dated 24.01.2024 passed by the learned District & Sessions Judge, Bomdila West Kameng District and Session Case No. 08/2013, convicting the

applicant/appellant under Sections 376 and 302 IPC, wherein the convict was sentenced to suffer 10 years imprisonment under Section 376 IPC with a fine of Rs. 10,000/- and to suffer life imprisonment and payment of fine of Rs. 20,000/-, on his conviction under Section 302 IPC with a default clause of payment of fine to serve another 3 (three) months S.I.

The learned counsel for the applicant submits that the reason for the delay in filing the appeal has been explained at para 12 & 13 of the I.A application and at para 3 of the additional affidavit, which is mostly due to the fact that time was taken for obtaining certified true copies of the judgment and order and to collect the required documents and also time was taken to engage a counsel to represent the applicant/appellant and also due to certain financial constrain faced by the applicant/appellant.

Ms. Topi Tini, learned Additional Public Prosecutor has not raised any objection to the condonation of delay of 58 days.

In view of the above, we have perused the relevant paragraphs in the application and the additional affidavit filed by the applicant. We have also noted that no objection is raised by the learned Additional Public Prosecutor. We are thus, satisfied with the reasons and explanation given and accordingly, the delay of 58 days in filing the connected appeal against the Judgment & Order dated 24.01.2024 passed by the learned District & Sessions Judge, Bomdila West Kameng District and Session Case No. 08/2013 is condoned.

I.A.(Crl.) No. 47/2024 stands allowed and disposed of.

JUDGE

JUDGE

Comparing Assistant