

GAHC010001092024



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

Case No. : I.A.(Crl.)/9/2024

OMAR SHEIKH @ AMAR ALI AND 2 ORS
S/O LATE MANIK SHEIKH
R/O VILL- LUWASUR, MOUZA- BHAWANIPUR, P.S. AND DIST. BARPETA,
ASSAM, PIN-781318

2: SAMAR SHEIKH @ SAMAR ALI
S/O LATE MANIK SHEIKH
R/O VILL- LUWASUR
MOUZA- BHAWANIPUR
P.S. AND DIST. BARPETA
ASSAM
PIN-781318

3: MAHAR SHEIKH @ MAHAR ALI
S/O LATE MANIK SHEIKH
R/O VILL- LUWASUR
MOUZA- BHAWANIPUR
P.S. AND DIST. BARPETA
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

09.01.2024

Heard Mr Z Alam, learned counsel for the applicants, 1) Omar Sheikh @ Amar Ali, 2) Samar Sheikh @ Samar Ali and 3) Mahar Sheikh @ Mahar Ali and Ms N Das, learned Additional Public Prosecutor for the State of Assam. Also heard Ms N Das, learned Additional Public Prosecutor for the State of Assam.

2. The applicants have filed this application under Section 5 of the Limitation Act, 1963, with prayer for condonation of delay of 47 days.

3. It is submitted that the appeals preferred by the applicants were dismissed vide order dated 08.08.2023. It is submitted that the applicants appointed their lawyers for preferring appeal against the impugned Judgment and Order of conviction. The engaged counsel also informed the applicants that they would be informed about the outcome of the criminal appeal. However, the applicants were under the impression that the appeal was disposed of, but they were not informed about the outcome of the appeal, which resulted in the delay in preferring the connected appeal.

4. The learned Additional Public Prosecutor has raised no objection for condonation of delay.

5. Considering all aspects, delay is condoned.

6. Registry to register the connected revision petition along with the interlocutory

application for suspension of sentence.

7. Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant