

GAHC010002992024



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

Case No. : I.A.(Crl.)/79/2024

NAREN DEKA
S/O LATE RANSHITA DEKA,
R/O GOBRADOL, P.S.- TIHU, DIST.- NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY P.P., ASSAM.

2:SANU MANDAL
S/O LATE SURESH MANDAL

VILL.- NATUN BASTI
DATALPARA
P.S.- FATASIL AMBARI
GUWAHATI- 781025
DIST.- KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

Linked Case :

NAREN DEKA

VERSUS

THE STATE OF ASSAM AND ANR. E

Advocate for : MR F HAQUE
Advocate for : appearing for THE STATE OF ASSAM AND ANR. E

Linked Case :

NAREN DEKA

VERSUS

THE STATE OF ASSAM AND ANR. E

Advocate for : MR F HAQUE
Advocate for : appearing for THE STATE OF ASSAM AND ANR. E

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 18-03-2024

(Kalyan Rai Surana, J)

Heard Mr. F. Haque, learned counsel for the applicant and Mr. S.H. Bora, learned
Addl. Public Prosecutor for the State.

Seen the process service's report dated 17.02.2024, which indicates that notice

could not be served on the respondent No.2, and the local residents had stated that they do not know him in the address given of the respondent No.2. Steps issued by registered post on respondent No.2 has also been returned with postal remarks "insufficient address. TRS"

Thus, notice could not be served on the respondent No.2 by process issued both by registered post as well as by usual process. Therefore, the Court is inclined to appoint Shri A.Dhar, Advocate, as the learned Amicus Curiae to represent the interest of respondent No.2.

By this application filed under Section 5 of the Limitation Act, the applicant has prayed for condoning the delay of 28 days beyond the period of limitation in filing the connected appeal.

Having heard the learned counsel for the applicant as well as the learned Addl. Public Prosecutor and the learned Amicus Curiae for respondent No.2, the court is of the considered opinion that the explanation tendered by the applicant constitute sufficient reasons for which he could not file the connected appeal on time. Accordingly, this application stands allowed and the delay of 28 days in filing the connected appeal stands condoned.

The Registry shall now register the connected appeal and list the same in admission column.

The Registry shall reflect the name of Mr.A. Dhar, learned Amicus Curiae while listing the connected appeal.

JUDGE

JUDGE

Comparing Assistant