

GAHC010014762024



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

Case No. : I.A.(CrI.)/106/2024

INDRESWAR DEWRI
S/O LATE KANGBOR DEWRI,
VILL.- NO. 1 MANIPUR, P.S.- MORIGAON, DIST.- MORIGAON, ASSAM-
782105.

VERSUS

THE STATE OF ASSAM AND ANR.
THROUGH THE PUBLIC PROSECUTOR.

2:X (INFROMANT/ VICTIM)
D/O SRI BABUL BORDOLOI

VILL.- NO. 1 MANIPUR
P.S.- MORIGAON
DIST.- MORIGAON
ASSAM- 782105

Advocate for the Petitioner : MR D K BHATTACHARYYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06.05.2024

Heard Mr. A.Gautam, learned counsel appearing on behalf of the applicant/ appellant

and Mr. R.R.Kaushik, learned Addl.P.P. for the State Opposite party No.1. Also heard Mr. U. Choudhury, learned Legal Aid Counsel for opposite party No.2.

By this interlocutory application filed under Section 5 of the Limitation Act r/w Article 115 (b)(i) of the Schedule Act, 1963 the applicant/ appellant has prayed for condoning delay of 565 days in preferring the connected appeal against judgment dated 02.05.2022 and order dated 06.05.2022 passed by the learned Sessions Judge, Morigaon in Sessions Case No.72/2021.

It is submitted by the learned Counsel for the applicant that the applicant is a poor person and not in a position to engage counsel on his behalf and as such, delay has been caused.

The learned Addl.P.P. and the learned counsel for the opposite party No.2 submit no objection if the prayer for condoning delay is allowed.

Having considered the submission of the parties and on perusal of the grounds of delay, this court is inclined to condone the delay.

Accordingly, the delay of 565 days in preferring the connected appeal is hereby condoned.

The interlocutory application is hereby disposed of.

Registry is directed to register the appeal and list the same for admission hearing after 03(three) weeks.

JUDGE

Comparing Assistant