

GAHC010020552024



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

Case No. : I.A.(Crl.)/90/2024

MD. CHAN ALI
S/O SATTAR ALI,
VILL.- KATHALDI CHAR PT- 1,
P.S.- BILASIPARA, DIST.- DHUBRI, ASSAM.

VERSUS

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

Advocate for the Petitioner : MRS DIPANJALI BORPUJARI (LEGAL AID COUNSEL)

Advocate for the Respondent : PP, ASSAM

Linked Case :

CHAN ALI

VERSUS

THE STATE OF ASSAM A

Advocate for : MRS DIPANJALI BORPUJARI
Advocate for : appearing for THE STATE OF ASSAM A

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 05-02-2024

Heard Ms. D. Borpujari, learned Legal Aid Counsel for the applicant and also heard Ms. N. Das, learned Addl. P.P. for the State respondent.

This Interlocutory Application under Section 5 of the Limitation Act is preferred by the applicant, namely, Md. Chan Ali for condonation of delay of 56 days in filing connected Criminal Appeal against the judgment and order dated 29.9.2023, passed by the learned Special Judge, Kokrajhar in Special Case No.60/2022, whereby the applicant stood convicted u/s 366 IPC and sentenced him to suffer simple imprisonment for ten years and also to pay a fine of Rs.20,000/- with default stipulation.

Ms. Borpujari, learned counsel submits that she has been engaged in this case as Legal Aid counsel and she has received the documents on 15.12.2023 and thereafter, she has prepared the memo of appeal alongwith this Interlocutory application and in the process, some delay occurred, which is not intentional but circumstantial and therefore, it is contended that the delay of 56 days in filing the Criminal Appeal may be condoned.

Ms. N. Das, learned Addl. P.P. submits that she has no objection, in the event of condoning the delay of 56 days, in filing the connected Criminal Appeal.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and it appears that the delay of 56 days in filing the connected Criminal Appeal is sufficiently explained and further it appears that the delay is not intentional, rather it is

circumstantial and therefore, this Court is inclined to allow this petition by condoning the delay of 56 days in filing the connected Criminal Appeal.

In terms of above, this I. A stands disposed of.

In view of order passed in this I.A, now Registry will proceed to register the connected Criminal Appeal.

JUDGE

Comparing Assistant