

GAHC010022182024



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

**Case No. : I.A.(Crl.)/203/2024**

ARJUN KOIRY  
S/O LATE BANDHAN KOIRY,  
R/O PHILLOBARI LINE, TALAP, P.S.- DOOMDOOMA, DIST.- TINSUKIA,  
ASSAM, PIN- 786151.

VERSUS

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

2:PADMINI GOWALA  
W/O LT. ANANDA GOWALA

R/O TALAP T.E. PULIBARI LINE  
P.S.- DOOMDOOMA  
DIST.- TINSUKIA  
ASSAM  
PIN- 786151

**Advocate for the Petitioner : MRS. R S DEURI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 20.05.2024**

Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Addl. P.P., Assam for the State respondent.

This application under Section 5 of the Limitation Act, 1963 praying to condone the delay of 39 days in filing the Crl. Appeal against the impugned judgment and Order dated 13.10.2023 passed in connection with Sessions Case No. 15(T)/2022 by which the learned Addl. Sessions Judge-2, (FTC), Tinsukia was pleased to convict the accused/ petitioner under Section 448/354 of the IPC and sentenced the accused petitioner to undergo imprisonment for a period of 6 (Six) months under Section 448 of IPC and also to undergo imprisonment for 3 (three) years under Section 354 of the IPC.

It is submitted by Mr. Deuri learned counsel for the applicant that the applicant somehow managed the necessary finance to engage an advocate to file appeal but in the 2<sup>nd</sup> week of December, 2023 the applicant became sick and suffered from Jaundice and could not file appeal from 10.12.2023 to 18.01.2024 as he was under treatment. Thereafter, the applicant took some time for consultation with his engaged counsel and in preparing the appeal. Hence, there was delay of 39 (thirty nine) days delay in filing the appeal. It is also submitted that there is no laches and negligence on the part of the applicant but he could not file the appeal within the statutory period of limitation for the above reasons.

In this context, Ms. A. Begum, learned Addl. P.P. has submitted that the State has no objection if the delay of 39 days in filing the appeal is condoned.

Considering the submissions made by the learned counsel for both the parties and the grounds of delay mentioned in the petition and also for the ends of justice, the present petition is allowed and thereby the delay is condoned.

Registry to register the appeal and list it for admission.

The I.A.(Crl) is disposed of.

**JUDGE**

**Comparing Assistant**