

GAHC010026392024



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

Case No. : I.A.(CrI.)/206/2024

RAJU CHAUHAN
S/O SRI CHNADRA DEV SINGH,
VILL.- LENGRIBORI, BHURAGAON, DIST.- MORIGAON, ASSAM.

VERSUS

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

Advocate for the Petitioner : MR. R BORA

Advocate for the Respondent : PP, ASSAM

Linked Case :

RAJU CHAUHAN

VERSUS

THE STATE OF ASSAM E

Advocate for : MR. R BORA
Advocate for : appearing for THE STATE OF ASSAM E

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.03.2024

Heard Mr. D. Gogoi, learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application for condonation of delay of 30 days in filing the connected criminal appeal challenging the impugned judgment and order dated 13.10.2023 passed by the learned Sessions Judge, Morigaon in Sessions Case No. 87/2016, thereby convicting the applicant under Section 304 Part(II) of IPC and sentencing the applicant to undergo rigorous imprisonment for 5(five) years and also to pay a fine of Rs. 20,000/- in default, to suffer simple imprisonment for 6(six) months and further allow the applicant to go on bail.

3. The facts of the case is that the applicant was convicted vide judgment and order dated 13.10.2023 in Sessions Case No. 87/2016. However, the applicant's father who is aged about 80 years old could not come to Guwahati for filing the instant case and the wife of the applicant, who is the only person to look after the father of the applicant as well as children also could not come within the stipulated time for filing the appeal. The elder brother of the applicant managed somehow to contact the present counsel and handed over the brief of the case. After arranging the professional expenses, the instant appeal was filed. Accordingly, the delay of 30 days has occurred in filling the

connected appeal.

4. I have heard the submissions made at the Bar and I have perused the averments made in the condonation application.

5. It appears that the grounds averred in paragraph no. 4 of the condonation application are sufficient grounds.

6. As such, in the interest of justice, this Court is of the considered view that the said delay of 30 days is required to be condoned.

7. Accordingly, the delay of 30 days is condoned.

8. This interlocutory application stands disposed of.

9. In view of the aforesaid order, let the Registry register the connected criminal appeal and list the matter accordingly.

JUDGE

Comparing Assistant