

GAHC010026832024



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

Case No. : LA(Crl) 145/2024

ARCHANA DEKA
W/O SRI JYOTISH DEKA
VILL.- UKHURA
DEKAPAR
P.S.- HAJO
DIST.- KAMRUP
ASSAM.

VERSUS

MADAN DEKA AND 2 ORS.
S/O SRI ANNARAM DEKA
VILL.- UKHURA
DEKAPAR
P.S.- HAJO
DIST.- KAMRUP
ASSAM.

2:DIGANTA DEKA
S/O SRI THANESHWAR DEKA

VILL.- UKHURA
DEKAPAR
P.S.- HAJO
DIST.- KAMRUP
ASSAM.

3:THE STATE OF ASSAM
REP. BY P.P.
ASSAM.

Advocate for : MS B R A SULTANA (LEGAL AID COUNSEL)
Advocate for : PP
ASSAM appearing for MADAN DEKA AND 2 ORS.

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 23.10.2024

Heard Ms. B R A Sultana for the applicant who has filed this application under section 5 of the Limitation Act, 1963 with a prayer for condoning the delay of 14 days in filing the appeal against the judgment and order dated 09.10.2023, passed by the learned Sessions Judge, Amingaon in Criminal. Appeal No.39/2019, acquitting the respondent Nos.1 & 2.

Heard Mr. S Ali, learned counsel for the respondent Nos.1 & 2.

The applicant has submitted that there was a delay due to the prevailing winter vacation.

I have considered the submission at the bar. It appears that there is no willful negligence on the part of the applicant and thus the delay may be condoned.

Considering all aspects, the delay is condoned and the petition under section 5 of the Limitation Act is hereby allowed.

Registry to number the appeal and list the appeal for hearing, if not found defective.

The I.A stands disposed of.

JUDGE

Comparing Assistant