

GAHC010028522024



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

Case No. : I.A.(CrI.)/128/2024

CHANU KALITA
W/O SRI NAYANMANI DAS
RESIDENT OF SHANTITOL, PO AND PS SUALKUCHI, DIST KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:SRI JYOTI PRASAD DAS
S/O LATE GANA KANTA DAS
RESIDENT OF AMBARIHATI BARPETA
PO AND PS BARPETA
DIST BARPETA
ASSAM 78130

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 16.02.2024

Heard Mr. N.K. Kalita, learned counsel for the applicant and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent No. 1. None appears

for the respondent No. 2, though notice upon him was served as per postal track consignment report on 14.02.2024.

2. This interlocutory application is preferred by the applicant under Section 5 of the Limitation Act, for condonation of delay of 774 days in filing the connected criminal revision petition against the judgment and order dated 27.09.2021, passed by the learned Addl. Sessions Judge, Barpeta, in Criminal Appeal No. 25/2019.

3. Mr. Kalita, learned counsel for the applicant submits that immediately after pronouncement of the impugned judgment and order, the applicant started making payment of the amount and she has paid an amount of Rs. 2,46,000/-. But, the substantive period of sentence i.e. six months remained and she has failed to understand the implication of the said sentence, and therefore, she could not prefer the connected revision petition in time and that the delay of 774 days was not intentional, rather it is circumstantial and therefore, it is contended to condone the delay of 774 days, and she undertakes to pay the remaining amount.

4. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the impugned judgment and order dated 27.09.2021, in Criminal Appeal No. 25/2019, passed by the learned Addl. Sessions Judge, Barpeta.

5. The explanation for delay, so forthcoming here in this case, appears to be justified in the facts and circumstances on record and the same also appears to be not intentional, rather it appears to be circumstantial and therefore, this Court is inclined to condone the delay of 774 days in filing the connected criminal revision petition.

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

7. In view of the order passed today in I.A.(Crl.) No. 128/2024, Registry will proceed to register the connected criminal revision petition and list the matter before this Court.

JUDGE

Comparing Assistant