

GAHC010028832024



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

Case No. : I.A.(CrI.)/151/2024

DWIPEN RAJBONGSHI
S/O LATE DADHI RAJBONGSHI,
VILL.- BANGNABARI, (MAJGAON), P.S. AND DIST.- NALBARI, DIST.-
GOLAGHAT, ASSAM, PIN- 781335.

VERSUS

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

2:NABIN RAJBONGSHI
S/O LATE BALI RAJBONGSHI

VILL.- BANGNABARI
(MAJGAON)
P.S. AND DIST.- NALBARI
DIST.- GOLAGHAT
ASSAM
PIN- 781335

Advocate for the Petitioner : MR J DAS (LEGAL AID COUNSEL)

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

14.06.2024

[Manish Choudhury, J.]

Heard Mr. J. Das, learned Legal Aid Counsel for the applicant-appellant and Ms. S.H. Borah, learned Additional Public Prosecutor for opposite party no. 1.

2. The instant interlocutory application under Section 5 of the Limitation Act, 1963 is preferred seeking condonation of delay of 87 days in preferring in accompanying appeal.

3. Pursuant to the order dated 10.04.2024, a report from the learned Chief Judicial Magistrate, Nalbari has been received reporting that the respondent no. 2 has expired in the meantime.

4. The applicant as the appellant, has preferred the accompanying appeal against a Judgment dated 13.09.2023 and an Order on sentence dated 18.09.2023 passed by the learned Sessions Judge, Nalbari in Sessions Case no. 57/2015. By the Judgment and Order on sentence, the applicant-appellant has been convicted for the offence of murder under Section 302, Indian Penal Code [IPC] and he has been sentenced to undergo life imprisonment and to pay a fine of Rs. 10,000/-, with default stipulation.

5. The applicant-appellant has explained the reasons for the period of delay of 87 days in paragraph 4 to paragraph 10 of the instant application.

6. Having gone through the statements and averments made in paragraph 4 to paragraph 10, we are of the considered view that the applicant-appellant has been able to explain the reasons showing sufficient cause regarding the delay of 87 days, which has occurred in preferring the accompanying appeal. In such view of the matter, the instant interlocutory application stands allowed.

7. The Registry to register the connected appeal and list the same thereafter accordingly.

JUDGE

JUDGE

Comparing Assistant