

GAHC010029432024



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

Case No. : I.A.(Crl.)/177/2024

MADHU RAM DEKA
S/O LATE HARORAM DEKA
R/O WIRELESS, BASISTHAPUR, BY LANE-1, HOUSE NO. 20 (A), P.S.
HATIGAON, GUWAHATI
PIN-781006, KAMRUP (M), ASSAM

VERSUS

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

2:SRI PRANAB JYOTI DEKA
S/O LATE SARAT CHANDRA DEKA
R/O BIDYAPUR
WARD NO. 3
BY LANE NO. 8
P.O. NALBARI
P.S. NALBARI SADAR

PIN-781335
DIST. NALBARI
ASSA

Advocate for the Petitioner : MR S PARASHAR, MS.TWINKLE SARMA

Advocate for the Respondent : PP, ASSAM, MR. P GOHAIN (R-2),MS M BORAH (R-2),MS D BORGHAIN (R-2),MS. K BARUAH (R-2),MS. M SARMAH (R-2)

Linked Case :

MADHU RAM DEKA

VERSUS

THE STATE OF ASSAM AND ANR (H)

Advocate for : MR S PARASHAR
Advocate for : appearing for THE STATE OF ASSAM AND ANR (H)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06.09.2024

Heard Mr. S. Parasar, learned counsel for the applicant. Also heard Ms. D. Borgohain, learned counsel appearing on behalf of the Opposite Party No. 2.

The instant interlocutory application has been filed, praying for condonation of delay of 41 days in preferring the connected criminal revision petition.

By relying on the contentions made in the interlocutory application; Mr. Parasar, learned counsel, has submitted that the applicant is at no fault for the delay so occasioning in instituting the connected criminal revision petition. The learned counsel, has, accordingly, submitted that the delay so occasioning be condoned and the connected criminal revision petition be taken-up on merits.

Ms. Borgohain, learned counsel for the Opposite Party No. 2, by vehemently objecting to the prayer for condoning the delay in preferring the connected criminal revision petition, has submitted that the causes so shown by the learned counsel for the applicant for condonation of delay, in question, are vague and does not inspire confidence and accordingly, she has prayed that the delay of 41 days in preferring the connected criminal revision petition, may not be condoned.

I have heard the learned counsels appearing for the parties and also perused the materials available on record.

While concurring with Ms. Borgohain, learned counsel for Opposite Party No. 2 that the statements made in the interlocutory application by the applicant for condoning the delay of 41 days in preferring the connected criminal revision petition, could have been better projected; it is seen that the applicant had brought on record, the reasons as to the delay occasioning in the matter. Firstly, it is the contention of the applicant that he is a resident of Guwahati and the matter was pending before the Court at Nalbari and accordingly, on the basis of the assurance given by the learned counsel for the applicant, therein, that necessary steps would be taken in connection with the directions passed vide order, dated 26.09.2023, in N.I. Case No. 59/2021; the applicant had not taken steps.

However, on the next date of listing on the matter i.e. on 01.12.2023, on finding that there was no step taken in the matter by his counsel, the applicant had applied for the certified copy which is contended to have been received by him in the last part of December, 2023, and thereafter, the applicant had contacted a counsel at Guwahati and the matter on being finalized on 05.02.2024; the case was filed on 09.02.2024.

Considering the said position; this Court is of the considered view that the delay, in question, requires to be condoned and accordingly, the delay of 41 days in preferring the connected criminal revision petition, stands condoned.

Registry is directed to register the connected criminal revision petition and list it for admission.

With the above directions, the instant interlocutory application accordingly stands disposed of.

JUDGE

Comparing Assistant