

GAHC010031552024



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

Case No. : I.A.(Crl.)/169/2024

MD. ABDULLAH
S/O LATE LOKMAN ALI,
VILL.- TELIA CHAPARI,
P.S.- RUPAHIHAT, DIST.- NAGAON, ASSAM.

VERSUS

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

2:MUST. MANJUARA BEGUM
W/O MD. ABUL HUSSAIN

VILL.- TELIA CHAPARI

P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM
PIN- 782125

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 11-03-2024

Heard Mr. N. Hasan, learned counsel for the applicant as well as Mr. MP Goswami, learned APP appearing for the respondent no.1 and Ms. M. Kakati, learned counsel for the opposite party no.2.

This is an application under section 5 of the Limitation Act, 1963 praying for condoning the delay of 2734 days in preferring the connected criminal appeal against the judgment and order dated 03.06.2014 passed by the learned Addl. Sessions Judge, FTC, Nagaon in Sessions case no.111/2010 whereby the accused/ applicant has been convicted under section 456 IPC and sentenced to suffer RI for 1(one) year and to pay a fine of Rs.1000/- and in default to suffer RI for 2(two) months and further convicting the accused/ applicant under section 354 IPC and sentenced to suffer RI for 1(one) year both the sentences were directed to run concurrently.

The learned counsel for the petitioner submits that the petitioner has been suffering from limb disorder having 45% permanent disability and as such he could not engage his lawyer in time and he requested one person to contact his lawyer to pursue the matter. But he did not pay heed to his request.

On the other hand, the learned APP as well as the learned counsel for the respondent no.2 have no objection to condone the delay.

In view of the above, prayer of the petitioner is allowed. The delay of 2734 days is condoned.

Accordingly, this IA is disposed of.

The Registry is directed to register the connected appeal and list the matter for admission.

JUDGE

Comparing Assistant