

GAHC010032922024



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

Case No. : I.A.(Crl.)/154/2024

RAVI KUMAR BHOWEL
S/O LATE PAUNI BHUSAN BHOWEL,
R/O PUB BHASKAR NAGAR, NEAR BHASKAR VIDYAPEETH, P.S.-
CHANDMARI, DIST.- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY PUBLIC PROSECUTOR.

2:SUMAN BHOWAL
S/O SRI RAVI KUMAR BHOWAL

R/O HOUSE NO. 8
EAST BHASKAR NAGAR
NEAR BHASKAR VIDYAPEETH
P.S.- CHANDMARI
DIST.- KAMRUP (M)
ASSAM
PIN- 781003

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

Linked Case :

RAVI KUMAR BHOWEL

VERSUS

THE STATE OF ASSAM AND ANR H

Advocate for : MR. T DEURI
Advocate for : appearing for THE STATE OF ASSAM AND ANR H

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 17/05/2024
Suman Shyam, J

Heard Mr.N. Mili, learned counsel appearing for the applicant. We have also heard Ms. S. Jahan, learned APP, Assam, appearing for the State.

This IA has been filed under section 5 of the Limitation Act, 1963, with a prayer to condone the delay of 8 days in preferring the connected appeal.

The applicant herein was convicted by the judgement and order dated 22/11/2023 passed by the learned Additional Sessions Judge-cum-Special Judge, POCSO, Kamrup (M) at Guwahati in Sessions Special Case No. 46/2022 under section 6 of the POCSO Act, 2012 and sentenced to undergo rigorous imprisonment for 25 years and also to pay fine of Rs. 20,000/- with default stipulation.

The applicant has assailed the impugned judgement by filing an appeal before this Court. However, there is delay of 8 days in filing the appeal.

We have perused the explanation furnished by the applicant for the delay in filing the appeal.

Ms. S. Jahan, learned APP, Assam, submits that she has no instruction to file any objection opposing the prayer made in the IA.

Considering the fact that the applicant has a statutory right of appeal against the impugned judgement and order of conviction and considering the explanation furnished in the IA, we are of the

considered opinion that it is a fit case where the delay of 8 days in filing the connected appeal deserves to be condoned.

Ordered accordingly.

Office to register the connected appeal and list the matter for admission on 21/05/2024.

IA stands disposed of.

JUDGE

JUDGE

sukhamay

Comparing Assistant