

GAHC010034562024



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

Case No. : I.A.(CrI.)/170/2024

SURYA KUMAR SAIKIA
S/O LATE GAJEN SAIKIA
PERMANENT RESIDENT OF TOWN-USHA NAGAR, P.O. KUMAR CHUBURI
P.S. TEZPUR, IN THE DISTRICT OF SONITPUR, ASSAM, PIN-784001

VERSUS

DWIPANNITA KALITA
W/O DR SURYA KUMAR SAIKIA
AND D/O SRI SUREN KALITA,
PERMANENT RESIDENT OF TOWN- USHA NAGAR,
P.O. KUMAR CHUBURI,
P.S. TEZPUR IN THE DISTRICT OF SONITPUR, ASSAM, PIN-784001, ALSO,
HOUSE NO. 17, SEWALI PATH, P.O. AND P.S. HATIGAON, GUWAHATI-781038,
IN THE DISTRICT OF KAMRUP (M), ASSAM
AND PRESENT ADDRESS- C/O SRI SUREN KALITA,
IN THE VILL OF RAHADHAR, BIRKOLA, P.O. AND P.S. PATHSALA, DIST.
NALBARI, PIN-781038 AND ALSO
C/O MR K. BARMAN, HOUSE NO. 84/A, BIDYA MANDIR PATH,
HATIGAON, P.O. AND P.S. HATIGAON, GUWAHATI-781038, IN THE DISTRICT
OF KAMRUP (M), ASSAM

Advocate for the Petitioner : MRS K M SAIKIA

Advocate for the Respondent : MR. S K ZAMAN

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 21-06-2024

Heard Mr. P. Borah, learned counsel for the applicant and Ms. F. Hussain, learned counsel for the opposite party.

2. The petitioner has filed this application under Section 5 of the Limitation Act, 1963 read with Section 401 of the Code of Criminal Procedure, 1973 for condonation of delay of 98 (Ninety Eight) days. The ground on which the applicant has prayed for condonation of delay is that after appearance before the Counselor, the applicant was speculating that the matter between both the parties will be settled. The opposite party also assured that she would withdraw the petition. Thereafter, after the Covid pandemic the applicant had to go outside the State to join his service in a private company.

3. It appears that the petitioner has shown sufficient ground for condoning the delay.

4. After hearing both the sides, the delay of 98 (Ninety Eight) days is condoned. Registry to register the connected Criminal Revision Petition.

5. In terms of the above observations, this Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant