

GAHC010036592024



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

Case No. : I.A.(Crl.)/202/2024

NURUL ALI @ PARA
S/O LT HAZARAT ALI,
R/O MONIARY, P.S.- PALASHBARI, DIST.- KAMRUP, ASSAM.

VERSUS

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

2:PARBIN BIBI
W/O SAHAJAHAN ALI

R/O MONIARY
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM
PIN

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

In

Crl.A./1551/2024(Filing Number)

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

19.03.2024

Heard Mr. M.A. Choudhury, learned counsel for the applicant. Also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam.

This Interlocutory Application under Section 5 of the Limitation Act, 1963 has been filed by the applicant, Nurul Ali @ Para praying for condoning the delay of 06 days in lodging the connected appeal by which he has impugned the judgment and order dated 13.12.2023 passed by the learned Additional Sessions Judge-cum-Special Judge (POCSO), Kamrup, Amingaon in Sessions Special Case No. 75/2022, whereby the applicant has been convicted under Section 18 of the POCSO Act, 2012 and has been sentenced to undergo S.I. for 2½ years and to pay a fine of Rs. 20,000/- and in default to undergo further S.I. for 4 months.

Learned counsel for the applicant has submitted that the applicant was prevented from filing the connected appeal within the period of limitation as the applicant is in custody and his wife had not furnished all relevant document to the counsel for preparing the memo.of appeal and for procuring the correct document the delay of 06 days has been caused. The delay has been explained in paragraph No. 2 of the instant Interlocutory Application.

Considering the grounds mentioned in the Interlocutory Application, Mr. K. Baishya, learned Additional Public Prosecutor does not oppose the prayer for condoning the delay.

Considering the submissions made by learned counsel for the parties as

well as considering the grounds mentioned in paragraph No. 2 in the Interlocutory Application, this court is of the considered opinion that the delay has been sufficiently explained by the applicant and therefore, the delay of 6 days in filing the connected appeal is hereby condoned.

Let the connected criminal appeal be registered and list it on 22.03.2024.

The Interlocutory Application is accordingly disposed of.

JUDGE

Comparing Assistant