

GAHC010041372022



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

Case No. : I.A.(Crl.)/115/2022

MEHARUL ISLAM @ MEHERUL ALI
S/O MUBARAK ALI, RESIDENT OF SAPMARI, PO SAPMARI, PS MORIGAON,
DIST MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP ASSAM

2:SRI TANU BORUAH
S/O UPEN BORUAH
RESIDENT OF VILLAGE KONWARGAON
PS DHAKUAKHANA
DIST LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. R PHUKAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

26.04.2024

Heard Mr. R. Phukan, learned counsel for the applicant/appellant as well as Mr. D. P. Goswami, learned Addl. P.P., appearing for the State/respondent No. 1.

By this application filed under Section 5 of the Limitation Act, the applicant has prayed for condoning the delay of 72 days in filing the criminal appeal against the Judgment and Order, dated 23.10.2019 passed by the learned Special Judge, (FTC), Lakhimpur, Northlakhimpur in Special (POCSO) Case No. 61/2019.

Learned counsel for the applicant has submitted that the petitioner was in jail and he was not in a position to engage any lawyer and his family members also failed to engage any lawyer to represent him before the court. As a result of which there is delay of 72 days.

Learned Additional Public Prosecutor has fairly submitted that the prayer of the petitioner may be allowed.

Upon hearing the learned counsel for both sides and considering the grounds cited in the petition, the delay of 72 days is hereby condoned.

Registry to register the connected Criminal Appeal and list the same for admission.

This interlocutory application accordingly stands disposed of.

JUDGE

Comparing Assistant