

GAHC010044492024



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

Case No. : I.A.(CrI.)/220/2024

MARNA PEGU
S/O SRI DEBEN PEGU,
R/O BORALIMORA, P.O.- KAMBONG, P.S.- GARAMUR, DIST.- MAJULI,
ASSAM.

VERSUS

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

2:WAHIDUL ISLAM
S/O HUSSAIN ALI

R/O MADHUPUR GAON
P.O.- MADHUPUR
P.S.- GARAMUR
DIST.- MAJULI
ASSAM

Advocate for the Petitioner : MR. FIRUZ KHAN

Advocate for the Respondent : PP, ASSAM

Linked Case :

MARNA PEGU

VERSUS

THE STATE OF ASSAM AND ANR. A

Advocate for : MR. FIRUZ KHAN

Advocate for : appearing for THE STATE OF ASSAM AND ANR. A

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.03. 2024

Heard Mr. A. Khan, learned counsel appearing on behalf of Mr. F. Khan, learned counsel for the applicant and Mr. BB Gogoi, learned Addl. PP for the State respondent.

This is an application filed under Section 5 of the Limitation Act for condoning the delay of 7 days in preferring the connected appeal against the impugned judgment and order dated 22.12.2023, passed by the learned Sessions Judge, Majuli in Sessions Case No. 29/2023, convicting the appellant under Section 380 IPC and sentencing him to undergo rigorous imprisonment for 3 years alongwith fine of Rs. 10,000 only and for default to undergo S.I for 2 months.

The learned counsel for the petitioner has submitted that the accused was detained in district Jail, Majuli and subsequently, he came to know about the procedure for filing appeal from jail and thereafter the appeal was filed for which there was a delay of 7 days.

The learned Addl. PP has no objection in condoning the delay of 7 days in

preferring the connected appeal.

Considering the submission of the learned counsel for the parties and the entire aspect of the matter, the ground mentioned in the petition which I find reasonable and accordingly, the present petition is allowed. The delay of 7 days is hereby condoned in preferring the connected appeal.

The Registry is directed to register the connected appeal and list accordingly.

With the above observation, the I.A. stands disposed of.

JUDGE

Comparing Assistant