

GAHC010047932024



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

Case No. : I.A.(Crl.)/225/2024

MOHAMMAD SAMIULLAH
S/O MOHAMMAD RAHMAN
R/O VILL- BAHRBARI
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS. G BORAH

Advocate for the Respondent : PP, ASSAM

Linked Case :

MOHAMMAD SAMIULLAH

VERSUS

THE STATE OF ASSAM (B)

Advocate for : MS. G BORAH
Advocate for : appearing for THE STATE OF ASSAM (B)

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 06.03.2024

Heard Ms. G. Borah, the learned counsel for the applicant and Mr. BB Gogoi, learned Addl. PP for the State respondent.

This is an application under Section 5 of the Limitation Act for condoning the delay of 309 days in preferring the connected criminal revision petition under Section 397 and 401, read with Section 482 CrPC against the order of the learned SDJM, Gohpur dated 7.12.2022 in connection with Gohpur PS Case No. 104/2022 whereby the learned court below released the vehicle of the applicant on zimma with a condition furnish bank guarantee equal to the value of seized vehicle.

To get release of the vehicle on zimma from the court below, the petitioner approached different source through his friends and relatives but he could not able to manage the same to fulfill the conditions given in the order by the court below and in that process, a delay of 309 days had occurred in preferring the connected revision petition. However, there are no laches or negligence on the part of the petitioner to file the revision petition and the grounds are being mentioned in paragraph 3 of the petition, which are satisfactorily explained. Accordingly, the delay of 309 days may be condoned.

In this context, Mr. Gogoi, learned Addl. PP has no objection if the delay is condoned and the connected revision petition is registered.

In view of the above and considering the grounds mentioned in the petition, the delay of 309 days is condoned and the IA. Stands disposed of.
The Registry is directed to register the revision petition and list accordingly.

JUDGE

Comparing Assistant