

GAHC010053282024



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

Case No. : I.A.(Crl.)/254/2024

CHAMPAK BORAH
S/O SRI BUP CHANDRA BORAH,
VILL.- DAHUTIA, P.S.- PULBAR, DIST.- JORHAT, ASSAM, PIN- 785006.

VERSUS

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

2:BABITA BARUAH
W/O SRI PRABHAT BAUAH

VILL.- DAHUTIA
P.S.- PULBAR
DIST.- JORHAT
ASSAM

Advocate for the Petitioner : MS P DAS (LEGAL AID COUNSEL)

Advocate for the Respondent : PP, ASSAM

Linked Case :

CHAMPAK BORAH

VERSUS

THE STATE OF ASSAM AND ANR B

Advocate for : MS P DAS

Advocate for : appearing for THE STATE OF ASSAM AND ANR B

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 10/05/2024

Suman Shyam, J

Heard Ms. P. Das, learned Legal Aid Counsel, appearing for the applicant. We have also heard Ms. S. Jahan, learned APP, Assam, appearing for the State.

This IA has been filed under section 5 of the Limitation Act, 1963, with a prayer to condone the delay of 73 days in preferring the jail appeal.

We have perused the explanation furnished by the applicant for the delay in filing the appeal.

Ms. S. Jahan, learned APP, Assam, submits that she has no instruction to file any objection opposing the prayer made in the IA.

We have noted that the applicant has been convicted under section 4(2) of the POCSO Act and *inter alia* sentenced to undergo rigorous imprisonment for 20 years and also to pay fine. Therefore, the applicant has a statutory remedy in the form of an appeal.

In view of the above and considering the explanation furnished in the IA, we are of the considered view that the applicant was prevented by sufficient cause from filing the connected appeal within time. As such, the delay of 73 days is hereby condoned.

Office to register the connected appeal and list the matter for admission.

IA stands disposed of.

JUDGE

JUDGE

sukhamay

Comparing Assistant