

GAHC010058292024



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

Case No. : I.A.(Crl.)/295/2024

SANDIP PRADHAN
S/O LATE RAJEN PRADHAN,
RESIDENT OF GABHARU T.E PAHAR LINE, PS MARIANI, DIST JORHAT.
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP ASSAM

2:SRI PABAN BHUYAN
S/O LATE SHANKAR BHUYAN
RESIDENT OF GABHARU T.E PAHAR LINE
PS MARIANI
DIST JORHAT
ASSAM

Advocate for the Petitioner : MS. M BARMAN

Advocate for the Respondent : PP, ASSAM

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

ORDER

10.05.2024

(Suman Shyam, J)

Heard Ms. M. Barman, learned counsel for the applicant. Also heard Ms. S.

Jahan, learned Addl. P.P., Assam appearing for the State.

This I.A. has been filed under section 5 of the Limitation Act, 1963 with a prayer to condone the delay of 685 days in preferring the connected Jail appeal. We have perused the explanation furnished in the application explaining the delay in filing the appeal.

Ms. S. Jahan, learned Addl. P.P. appearing for the State submits that she has no instruction for filing any objection opposing the prayer for condonation of delay. We have noticed that the applicant has been convicted under Section 302 IPC by the judgment and order dated 15.12.2020 passed by the learned Sessions Judge, Jorhat in Sessions Case No.151(J-J)/2017 and *inter-alia* sentenced to undergo rigorous imprisonment for life. The appellant has a statutory remedy in the form of an appeal.

In view of the above and considering the explanation furnished in the I.A., we are convinced that this is a fit case where the delay of 685 days in preferring the appeal deserves to be condoned.

Ordered accordingly.

Office to register the connected appeal and list for admission.

I.A. stands disposed of.

JUDGE

JUDGE

Comparing Assistant