

GAHC010062342020



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

Case No. : I.A.(Crl.)/573/2020

SHRI RAM TRANSPORT FINANCE COMPANY LTD
A NON BANKING FINANCE COMPANY REGISTERED UNDER THE
COMPANIES ACT, 1956, HAVING ITS REGISTERED OFFICE AT 4TH FLOOR
MOOKAMBIKA COMPLEX, LADY DESIKA PARK, MYLAPORE R T ROAD,
CHENNAI- 600004 AND VARIOUS OTHER BRANCHES THROUGHOUT THE
COUNTRY INCLUDING ONE AT A.T. ROAD, OPPOSITE HIJUGURUI POLICE
OUT POST, P.O., P.S. AND DIST.- TINSUKIA, ASSAM, REP. BY ITS
CONSTITUTED ATTORNEY.

VERSUS

SUKHRAM GOWALA
S/O- LATE KRISHNA GOWALA, R/O- PENGREE, P.O. PENGREE AND P.S.
DIGBOI, DIST.- TINSUKIA, ASSAM, PIN- 786174.

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : MR. R S MISHRA

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 31-05-2024

Heard Mr. B. Haldar, learned counsel for the applicant as well as Mr. R.S. Mishra, learned counsel appearing for the respondents.

2. This is an application under section 5 of the Limitation Act for condoning the delay of 200 days in preferring the leave petition under section 378(4) of the Cr.P.C. for preferring an appeal against acquittal as per the judgment and order dated 21.06.2019 passed by the learned CJM, Tinsukia in NI case no.53/2012.

3. It is submitted by Mr. Haldar that the petitioner is a financial institution and for filing the leave petition for preferring an appeal against the order of acquittal he took 200 days to observe the formalities of the institutions.

4. He further submitted that the grounds have been well explained in para-8 of the present petition.

5. He further submits that there was no intentional negligence or laches on the part of the petitioner in instituting the connected leave petition as well as the connected criminal appeal against the order of acquittal.

6. In this context Mr. Mishra, has submitted that the delay is not well explained in the petition and the ground which has been mentioned in the petition is not sufficient for condoning the delay.

7. However, considering the entire facts and circumstances of the case and the submissions made by both sides and for ends of justice the present IA is allowed by condoning the delay of 200 days in preferring the connected leave

application to prefer an appeal against the order of acquittal.

8. This IA stands disposed of.

JUDGE

Comparing Assistant