

GAHC010075372024



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

Case No. : I.A.(Crl.)/512/2024

ANSAR ALI
S/O MD. MAHABBAT ALI, R/O VILL- PATHUAKATA, P.S.-MIKIRBHETA,
DIST-MORIGAON, ASSAM-782001

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:FAIJUL HOQUE
S/O LATE IUSUF ALI
R/O VILL- PATHUAKATA
P.S.-MIKIRBHETA
DIST-MORIGAON
ASSAM-78200

Advocate for the Petitioner : MR D K BHATTACHARYYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03-06-2024

Heard Mr. A. Gautam, learned counsel for the applicant. Also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State of Assam/ respondent No.1.

This is an Interlocutory application under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 178 days in preferring the connected Revision Petition against the judgment and order dated 12.07.2023 passed by learned Session Judge, Morigaon.

It is submitted by the learned counsel for the applicant that the applicant was convicted under Section 457 and 380, r/w Section 511, of the IPC and sentenced to undergo 3(three) years of simple imprisonment under Section 457 of the IPC and 2(two) years of simple imprisonment under Section 380 r/w Section 511 IPC. It is also submitted that at present, the applicant has been languishing in jail.

Mr. Lahkar, learned Addl.P.P. for the State has no objection if the delay is condoned.

I have considered the submissions made by the learned counsel for the parties.

The delay has been satisfactorily explained by the applicant and also the learned Additional Public Prosecutor for the State/respondent No. 1 did not raise any objection regarding the prayer of the applicant.

Considering all, the delay of 178 days is condoned. The Registry is directed to register the connected criminal revision and list it in admission column.

With the above observation, I/A stands disposed off.

JUDGE

Comparing Assistant