

GAHC010082452024



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

Case No. : I.A.(CrI.)/514/2024

SOIB ALI
S/O LATE HAIDER ALI,
VILL.- KALIRAM BASTI, P.O.- KHATKHATI, P.S.- KHATKHATI, DIST.- KARBI
ANGLONG, ASSAM.

VERSUS

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

2:MINARA BEGUM
W/O ABDUL JALIL

VILL.- TINI ALI BAMUN GAON
WARD NO. 10
P.S.- LANKA
DIST.- HOJAI
ASSAM
PIN

Advocate for the Petitioner : MR. M H LASKAR, MR. S ROY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 16.09.2024

Heard Mr. S. Roy, learned counsel for the applicant. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 5 of the Limitation Act for condonation of delay of 263 days in preferring the connected criminal appeal which has been preferred against the judgment and order dated 30.05.2023, passed by the learned Special Judge(POCSO), Karbi Anglong, Diphu, in POCSO Case No. 06/2023.

It is submitted by Mr. Roy, learned counsel for the applicant, that the accused belongs to a very poor family and due to financial hardship, his wife could not arrange to prefer the appeal within the statutory period of limitation, but there is no negligence or laches on the part of the applicant, who is still inside the jail. Accordingly, he prayed to allow the present application and to condone the delay of 263 days in preferring the appeal.

Ms. A. Begum, learned Additional Public Prosecutor, raised no objection in that regard.

After considering the submissions made by the learned counsel for the applicant and also considering the grounds mentioned in the application, which

is considered to be a genuine ground, as well as for the ends of justice, the present interlocutory application for condonation of delay is hereby allowed and the delay of 263 days in preferring the connected appeal stands condoned.

Registry to register the connected appeal and list the same for Admission after the Puja Vacation.

The interlocutory application stands disposed of in terms above.

JUDGE

Comparing Assistant