

GAHC010107032024



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

Case No. : I.A.(CrI.)/659/2024

PANKAJ DEKA
S/O LATE KULADHAR DEKA,
VILL.- BHAWANIPUR, NAHATI,P.S.- BARPETA, ASSAM- 781352.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR D K BHATTACHARYYA, DILME R.M. MOMIN,A GAUTAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 30.09.2024
(S. K. Medhi, J)

Heard Shri A. Gautam, learned counsel for the applicant. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 1849 days in preferring the accompanying appeal.

By referring to the averments made in paragraph No. 7 of the Interlocutory Application, Shri Gautam, learned counsel for the applicant, has submitted that there are reasonable grounds cited for which the appeal could not be preferred within the prescribed period of limitation. It is also submitted that there is no intentional negligence and laches on the part of the applicant and the delay has occurred due to reasons not within the control of the applicant.

Ms. Bora, learned Additional Public Prosecutor, has submitted that the written objection has been filed on 05.08.2024, which has been perused.

Considering the nature of the appeal wherein there is a conviction under Section 302 of the Indian Penal Code, we are of the opinion that the interest of justice would require condonation of the delay and to examine the appeal on its merits.

In view of the same, the instant application for condonation of delay is allowed and the delay of 1849 days in preferring the appeal is condoned.

Registry to register the accompanying criminal appeal and list the same for Admission.

The Interlocutory Application stands disposed of.

JUDGE

JUDGE

Comparing Assistant