

GAHC010108902023



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

Case No. : I.A.(Crl.)/434/2023

RATAN SARMA
S/O SRI SARWAN SARMA
R/O SAIKIA ROAD, SANTIPARA,
P.O. TINSUKIA, P.S. TINSUKIA
DIST. TINSUKIA, ASSAM

VERSUS

NABAJYOTI PHUKAN
S/O LATE UPENDRA NATH PHUKAN
R/O BORGURI, TINSUKIA, P.O. AND P.S. TINSUKIA,
DIST. TINSUKIA, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : MR. D BARUAH

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 13-03-2024

Heard Mr. M. Hussain, learned counsel for the petitioner. Also heard Mr. D. Baruah, learned counsel for the respondent.

2. This is an application under Section 5 of the Limitation Act, 1963 for condonation of delay of 75 (Seventy Five) days in filing the connected revision petition.

3. The fact of the case is that there occurred a delay of 75 (Seventy Five) days in filing the connected revision petition. The ground of delay averred in the condonation application is that the engaged advocate did not inform the applicant about the delivery of judgment and since the applicant had engaged the lawyer and was hoping that he would inform the developments of the case he did not further check with him. However, when the police came to arrest him after the passing of the judgment and order dated 30.11.2022, he came to know about the same. Thereafter the appeal was filed. However, in the meantime a delay of 75 (Seventy Five) days had occurred.

4. Mr. D. Baruah, learned counsel for the respondent has instructions not to oppose the prayer for condonation.

5. I have heard the submissions made at the bar and have perused the materials available on record.

6. The ground averred in the condonation application appears to be bonafide and sufficient. Accordingly, in the interest of justice, the delay of 75 (Seventy Five) days is condoned. As such, this condonation application is allowed.

Interlocutory application stands disposed of accordingly.

Registry to list the connected Criminal Revision Petition.

JUDGE

Comparing Assistant