

GAHC010116122024



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

Case No. : I.A.(CrI.)/567/2024

MAHIDUL ISLAM
S/O NASIR MIAH SARKAR,
R/O MAHARANI HIRAPUR,
P.S.- RADHA KISHORPUR, DIST.- GOMATI, STATE- TRIPURA.

VERSUS

STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : M M RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 18.07.2024

Heard Mr. M. M. Rahman, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 5 of the Limitation Act for condonation

of delay of 24 days in filing the connected criminal appeal against the order dated 26.02.2024, passed by the learned Special Judge, Dhubri in Special Case No. 115/2024, whereby the applicant/appellant was convicted under Section 20(b)(ii)(c) of the NDPS Act and sentenced to undergo R.I. for 10 (ten) years and to pay fine of Rs. 1,00,000/- (Rupees one lakh) only in default to undergo R.I. for 1 (one) year.

It is submitted by Mr. Rahman, learned counsel for the applicant, that the appeal could not preferred within the stipulated period of time as the mother of the applicant was seriously ill and she was admitted in the hospital and as he had to remain busy for the treatment of his mother, there was delay of 24 days in preferring the connected appeal. There is no intentional negligence and laches on the part of the applicant in preferring the connected appeal with a delay of 24 days.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, raised no objection in condoning the delay of 24 days.

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 24 days in preferring the connected appeal stands condoned.

Registry to register the connected Criminal Appeal and list the same for Admission hearing in its usual course.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant