

GAHC010132142024



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

Case No. : I.A.(CrI.)/616/2024

SHUBHAM PANDAY
SON OF LATE OMPRAKASH PANDAY, RESIDENT OF 251 JANTA QUARTER
STADIUM GROUND, NANDA NAGAR, INDORE, DISTRICT INDORE,
MADHYA PRADESH, PIN CODE- 452011

VERSUS

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

2:THE OFFICER-IN-CHARGE
TINSUKIA POLICE STATION
P.O. AND P.S. TINSUKIA
IN THE DISTRICT OF TINSUKIA
ASSAM
PIN CODE- 78612

Advocate for the Petitioner : MR. S NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

15.07.2024

Heard Mr S Nath, learned counsel for the applicant, Shubham Panday, who has filed this application under Section 5 of the Limitation Act, 1963, with prayer for condonation of

delay of 37 days in filing the connected revision petition.

2. The applicant has preferred the revision petition against the order dated 20.02.2024, passed by the learned Chief Judicial Magistrate, Tinsukia, Assam, in Tinsukia PS Case No. 34/2023, rejecting the protest petition filed against the Final Report, by the present petitioner. The cause of delay is that the learned engaged counsel for the applicant could obtain the certified copies of the impugned order after 7 days, and thereafter, the learned engaged counsel also advised the applicant to proceed to Guwahati, which is the other reason of delay in filing the petition. Meanwhile, the petitioner was entrusted with border duty at Arunachal Pradesh, around the Indo-China Border Area and this led to the delay in filing the revision petition.

3. It is submitted that there was no negligence on the part of the applicant, who has provided sufficient grounds for delay in filing the revision petition.

4. Heard Ms N Das, learned Additional Public Prosecutor for the State of Assam, who has raised no objection.

5. Considering the submissions at the Bar, the delay is condoned.

6. Registry is directed to register the connected revision petition, in the usual process.

7. In terms of the above observations, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant