

GAHC010137042024



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

Case No. : I.A.(Crl.)/719/2024

BABLU GOALA
S/O LT JOGADISH GOALA,
VILL.- TILKA, BHUNHADAR, P.S.- LAKHIPUR, DIST.- CACHAR, PIN- 788103,
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY P.P.

2:BIKRAM GOALA
S/O SITARAM GOALA
VILL.- TILKA
BHUNHADAR
P.S.- LAKHIPUR
DIST.- CACHAR
PIN- 788103
ASSAM

Advocate for the Petitioner : MS N HASSAN (LEGAL AID COUNSEL),

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 12.08.2024

[M. Choudhury, J]

Heard Ms. N. Hassan, learned Legal Aid Counsel for the applicant-appellant

and Mr. K.K. Das, learned Additional Public Prosecutor for the opposite party no. 1, State of Assam.

2. The instant application under Section 5 of the Limitation Act, 1963 is preferred seeking condonation of delay of 109 days which is stated to have occurred in preferring the accompanying criminal appeal against a Judgment dated 19.01.2024 and an Order dated 20.01.2024 passed by the Court of learned Sessions Judge, Cachar at Silchar in Sessions Case no. 107/2018. By the said Judgment and Order of conviction and sentence, the applicant-appellant has been convicted for the offence of murder under Section 302, Indian Penal Code and he has been sentenced to undergo life imprisonment and to pay a fine of Rs. 10,000/-, in default of payment of fine, to undergo further simple imprisonment for 3 [three] months.

3. The applicant-appellant has explained in paragraph 2, 3 & 4 [of the instant application] the reasons for the delay of 109 days.

4. Mr. Das, learned Additional Public Prosecutor appearing for the State has fairly submitted that since the applicant-appellant has been convicted for serious offence like murder under Section 302, IPC and has been sentenced for life imprisonment, interest of justice would be better sub-served if the accompanying appeal is heard on merit.

5. We have gone through the statements and averments made in the instant interlocutory application, more particularly, in paragraph 2, 3 & 4, thereof.

6. Having gone through the same, we are of the view that the applicant-appellant has been able to explain the reason for delay with sufficient cause. Moreover, as the applicant-appellant because of his conviction under Section

302, IPC has been sentenced to undergo life imprisonment, the cause of justice, in our considered view, would be better sub-served if the accompanying appeal is heard on merits.

7. Accordingly, the instant interlocutory application seeking condonation of delay of 109 days stands allowed.

8. The Registry to register the appeal and thereafter, list the appeal for admission.

JUDGE

JUDGE

Comparing Assistant