

GAHC010140522024



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

Case No. : I.A.(Crl.)/636/2024

JITUMONI DAS
S/O- LATE KESHAB CH. DAS,
R/O- VILLAGE- GANDHINAGAR,
P.S- AND DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:HEMEN DAS
S/O- LATE SANKAR CHARAN DAS

R/O- VILLAGE GANDHINAGAR

P.S AND DIST- BARPETA
ASSA

Advocate for the Petitioner : MR K THAKUR,

Advocate for the Respondent : PP, ASSAM, MS S Y ALAM (R-2),MS. NANDITA DEVI (R-2),S
YESMIN (R-2),MR D MEDHI (R-2)

Linked Case :

JITUMONI DAS

VERSUS

THE STATE OF ASSAM AND ANR (G)

Advocate for : MR K THAKUR

Advocate for : appearing for THE STATE OF ASSAM AND ANR (G)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 05.08.2024

Heard Mr. K. Thakur, learned counsel for the applicant. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State and Ms. S. Yesmin, learned counsel for the respondent No. 2.

The present application has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 126 days in preferring the connected revision petition against the impugned judgment and order dated 18.12.2023 passed by the learned Additional Sessions Judge, Barpeta in Criminal Appeal No. 27/2023, whereby the conviction of the applicant passed by the learned trial court in N.I. Case No. 216/2022 was upheld.

Mr. Thakur, learned counsel for the applicant submits that the delay occurred in filing the connected revision is not intentional. He further submits that detailed ground of delay has been explained in the petition. It is also submitted by the learned counsel for the applicant that on failure to appear before the learned trial court, on 07.06.2024, 06.07.2024 and on subsequent

dates, warrant of arrest was issued against him. Under such backdrop, the learned counsel for the applicant has prayed that the warrant of arrest be recalled as the matter has been amicably settled between the parties.

Mr. Baruah, learned Additional Public Prosecutor for the State as well as Ms. Yesmin, learned counsel for the respondent No.2 have no objection if the delay is condoned and warrant of arrest may be recalled.

I have considered the submissions made by the learned counsel for the parties.

The delay has been satisfactorily explained by the applicant and also the learned Additional Public Prosecutor for the State and Ms. Yesmin, learned counsel for the respondent No. 2 did not raise any objection regarding the prayer of the applicant.

Considering all, the delay of 126 days is condoned with a direction to the applicant to appear before the trial court on 19.08.2024 and in the event of filing any bail application, the same will be considered in accordance with law. Till such appearance of the applicant before the trial court, the warrant of arrest issued against him, be recalled.

The Registry is directed to register the connected revision petition and list it in admission column.

With the above observation, I/A stands disposed of.

JUDGE

Comparing Assistant