

GAHC010149222024



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

Case No. : I.A.(Crl.)/695/2024

PANKAJ GHOSH
S/O PHONI DAS,
R/O NEW COLONY, P.S.- SLICHAR, DIST.- CACHAR, ASSAM.

VERSUS

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

2:SUDHANGSHU RANJAN DAS
S/O LATE SURESH CHANDRA DAS

R/O NEW COLONY
TARAPUR
P.S.- SILCHAR
DIST.- CACHAR
ASSAM

Advocate for the Petitioner : MR. S BISWAS (LEGAL AID COUNSEL),

Advocate for the Respondent : PP, ASSAM,

Linked Case :

PANKAJ GHOSH

VERSUS

THE STATE OF ASSAM AND ANR B

Advocate for : MR. S BISWAS

Advocate for : appearing for THE STATE OF ASSAM AND ANR B

Linked Case :

PANKAJ GHOSH

VERSUS

THE STATE OF ASSAM AND ANR B

Advocate for : MR. S BISWAS

Advocate for : appearing for THE STATE OF ASSAM AND ANR B

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

01.08.2024

1. Heard Legal Aid Counsel Mr. S. Biswas for the applicant.
2. This application has been filed by the applicant under Section 5 of the Limitation Act with prayer for condoning the delay of 81 days for preferring the appeal against the Judgment and order dated 09.02.2024 passed by the learned Sessions Judge in Sessions Case No. 27/2016 convicting the appellant under Section 304(B) of the IPC to undergo

rigorous imprisonment for 7 years with a fine of Rs. 2500/- with default stipulation.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has raised no objection.

4. It is submitted on behalf of the applicant that the delay was due to the delay in furnishing the necessary documents to the learned counsel for the appellant by the District Legal Services Authority, Cachar. The appellant was not negligent and it was not because of the applicant's conduct that there was a delay of 81 days.

5. I have considered the submission that there was no willful negligence on the part of the appellant and the appellant has given sufficient grounds to condone the delay. Hence, the application is allowed and the delay of 21 days is condoned.

6. Registry to register the connected appeal.

7. In terms of the above observations, application is disposed of.

JUDGE

Comparing Assistant