

GAHC010152082024



2024:GAU-AS:10372

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

Case No. : I.A.(CrI.)/740/2024

ABHIJIT GANGULY
S/O LATE DEEPAK KR. GHATAK,
R/O SALBARI PIPELINE, NEAR BASAK STORE, P.O. AMN P.S.-
BONGAIGAON, DIST.- BONGAIGAON, ASSAM.

VERSUS

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

2:BABLI GANGULY ROY
D/O LATE BIMAL CH. ROY

R/O KAMATFULBARI
G.P- NAKKATIGACHH
BLOCK- TOOFANGANJ
P.O.- KAMATFULBARI
P.S.- TOOFANGANJ
DIST.- COOCHBEHAR
WEST BENGAL

Advocate for the Petitioner : MR. M L PANDIA, MS. N K PODDAR

Advocate for the Respondent : PP, ASSAM, MS. R B BORA (LEGAL AID COUNSEL FOR R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 23-10-2024

Heard Mr. M.L. Pandia, learned counsel for the petitioner, Mr. K. Baishya,

learned Addl. PP for the respondent State and Ms. R.B. Bora, learned Leal Aid Counsel for the respondent No. 2.

2. The petitioner has prayed for condonation of delay of 35 (Thirty Five) days as the delay was not due to willful negligence. It is further submitted that the delay is only for a few days and the applicant will suffer irreparable loss if the delay is not condoned. He has shown sufficient ground to explain the reasons of delay in preferring the appeal against the orders dated 12.04.2024 passed by the learned Sessions Judge, Bongaigaon in Criminal Revision No. 05/2023 and orders dated 20.03.2023 and 20.12.2023 passed by the learned Judicial Magistrate First Class, Bongaigaon in Misc Case No. 10/2022.

3. It is submitted on behalf of the respondent No. 2 that not a single farthing for maintenance has been paid by the petitioner for months together. This reveals willful negligence on the part of the petitioner and delay may not be condoned.

4. On the contrary, learned counsel for the applicant has submitted that the applicant was not well and he could not prefer the appeal within the period of limitation.

5. I have considered the submissions at the bar with circumspection. For the interest of justice, delay of 35 (Thirty Five) days is condoned.

6. Office to register the connected appeal.

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

JUDGE

Comparing Assistant