

GAHC010152942023



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

Case No. : I.A.(CrI.)/636/2023

HELLAL UDDIN AND ANR
S/O- LATE DUDU MIA, R/O- VILL- MEDAL (CHANDPUR), P.S. AND DIST.
KARIMGANJ, ASSAM

2: MOIMUN NESSA
W/O- HELLAL UDDIN
R/O- VILL- MEDAL (CHANDPUR)
P.S. AND DIST. KARIMGANJ
ASSA

VERSUS

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

2:REZIYA KHANAM
W/O- LATE JALAL UDDIN
VILL.- MEDAL (CHANDPUR)
P.O. MEDAL PART-I
P.S. AND DIST. KARIMGANJ
ASSAM
PIN- 788711

Advocate for the Petitioner : MS. R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

Linked Case :

HELLAL UDDIN AND ANR

VERSUS

THE STATE OF ASSAM AND ANR (E)

Advocate for : MS. R CHOUDHURY
Advocate for : appearing for THE STATE OF ASSAM AND ANR (E)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.02.2024

Heard Ms. R. Choudhury, learned counsel for the applicants. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent no.1, and Mr. J. Laskar, learned counsel for the respondent no.2.

2. This application under Section 5 of the Limitation Act, 1963 has been filed by the applicants, namely, Hellal Uddin and Moimun Nessa, praying for condoning the delay of 751 days in filing the connected criminal revision petition, by which the applicants intend to impugn the judgment and order 21.12.2018, passed by the learned Sessions Judge, Karimganj in Criminal Appeal No. 01(1)/2016, whereby the learned Sessions Judge had upheld the judgment and order dated 29.12.2015, passed by the learned Sub Divisional Judicial Magistrate, Karimganj in G.R. Case No. 315/2010, whereby the applicant no.1 was convicted under Section 354/323/341 IPC and was sentenced to undergo simple imprisonment for 2 (two) years for committing offence under Section 354 IPC, simple imprisonment for 3 (three) months for committing offence under Section 323 IPC, and simple imprisonment for 1 (one) month for

committing offence under Section 341 IPC. The applicant no.2 was convicted under Section 341/323 IPC and was sentenced to undergo simple imprisonment of 3 (three) months for committing offence under Section 323 IPC, and simple imprisonment of 1 (one) month for committing offence under Section 341 IPC.

3. The learned counsel for the applicants has submitted that for the reasons mentioned in paragraph nos.4 and 5 of the delay condonation petition, the applicants could not approach this Court within the period of limitation. On the other hand, the learned counsel for the respondent no.2 has not opposed the prayer for condoning the delay in filing the connected criminal revision petition.

4. Considering the fact that the counsel for the respondents have not opposed the prayer for condoning the delay as well as considering the fact that the grounds stated by the applicants in paragraph nos.4 and 5 of the delay condonation petition appears to be sufficient and good ground which had prevented the applicants to approach this Court within the period of limitation, the delay of 751 days in preferring the connected revision petition is hereby condoned and this interlocutory application is accordingly disposed of.

5. Let the connected criminal revision petition be registered and listed on 16.02.2024.

JUDGE

Comparing Assistant