

GAHC010173342024



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

Case No. : I.A.(Crl.)/835/2024

BELUN @ BALEN ROY
S/O LT. PENDA ROY
R/O VILL- PADMABIL
P.O. AND P.S. GOSSAIGAON,
DIST. KOKRAJHAR (BTAD), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR P K DAS, MR. M BARUAH

Advocate for the Respondent : PP, ASSAM,

Linked Case :

BELUN @ BALEN ROY

VERSUS

THE STATE OF ASSAM (A)

Advocate for : MR P K DAS
Advocate for : appearing for THE STATE OF ASSAM (A)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

06.09.2024

1. Heard learned counsel Mr. P. K. Das for the applicant Belun @ Balen Roy.
2. This application has been filed by the applicant under Section 5 of the Limitation Act, 1963 with prayer for condonation of delay of 236 days in filing the Criminal Revision Petition under Section 438 read with Section 442 of the BNSS, 2023.
3. It is submitted on behalf of the applicant that vide judgment and order dated 30.09.2023, the learned Sessions Judge in Criminal Appeal has upheld the judgment and order of conviction passed by the learned Assistant Sessions Judge, Kokrajhar in connection with Sessions Case No. T2/10/2018.
4. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
5. Learned Additional Public Prosecutor has raised objection as the delay was for more than 200 days. It is submitted on behalf of the applicant that due to an inadvertent error, a Criminal Appeal was filed instead of a Criminal Revision petition and thereafter the applicant was allowed to withdraw the appeal. Vide order dated 07.08.2024, in Criminal Appeal No. 179/2024, the appeal was allowed to be withdrawn. After withdrawal of the appeal, the applicant has filed this Criminal Revision petition. It appears that there was no willful negligence on the part of the applicant. The applicant has attributed sufficient grounds for condonation of delay.
6. Considering all aspects, delay of 236 days is hereby condoned.
7. Registry to register the connected Criminal Revision petition.

8. In terms of the above observation, I. A. stands disposed of.

JUDGE

Comparing Assistant