

GAHC010185332023



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

Case No. : I.A.(Crl.)/742/2023

CHITRA RAJKONWAR
S/O LATE SOSHIDHAR RAJKONWAR,
R/O LAKWA MOHAN DEODHAI GAON, P.O.- SILAKUTI, P.S.- SIMALUGRUI
(LAKWA O.P.), DIST.- SAVISAGAR, ASSAM, PIN- 785688.

VERSUS

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

2:HEMANTA URIYA
S/O NITAI URIYA

R/O LAKWA MOHAN DEODHAI GAON
P.O.- SILAKUTI
P.S.- SIMALUGRUI (LAKWA O.P.)
DIST.- SAVISAGAR
ASSAM
PIN- 785688

Advocate for the Petitioner : MR. T J MAHANTA, MS. P P DAS, MS P SARMA, MR. P P DUTTA

Advocate for the Respondent : PP, ASSAM,

Linked Case :

CHITRA RAJKONWAR

VERSUS

THE STATE OF ASSAM AND ANR. A

Advocate for : MR. P P DUTTA
Advocate for : appearing for THE STATE OF ASSAM AND ANR. A

Linked Case :

CHITRA RAJKONWAR

VERSUS

THE STATE OF ASSAM AND ANR. A

Advocate for : MR. P P DUTTA
Advocate for : appearing for THE STATE OF ASSAM AND ANR. A

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.09.2024

Heard Mr. T. J. Mahanta, learned senior counsel assisted by Ms. P. Sarma, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

This application under Section 5 of the Limitation Act, 1963 for condonation of delay of 89 days in preferring the connected criminal appeal, whereby the applicant has impugned the judgment and order dated 21.03.2023 passed by the learned

Additional Sessions Judge cum Special Judge, POCSO in Special Case No. 4/2018.

On perusal of the order of Lawazima Court dated 30.08.2024, it appears that the notices sent to the respondent No. 2 has been duly served.

Learned senior counsel for the petitioner has submitted that the petitioner has explained the cause of delay in preferring the connected appeal in paragraph No. 7, 8 and 9 of the instant application.

On the other hand, learned Additional Public Prosecutor considering the cause shown by the applicant in delay in preferring the connected appeal has not objected to the prayer for condoning the delay.

I have considered the submissions made by the learned counsel for both the sides and have gone through the materials on record.

Considering the cause shown in paragraph No. 7, 8 and 9 of the application for condonation of delay, this Court is of the considered opinion that the cause for delay in preferring the connected criminal appeal has been sufficiently explained by the appellant and therefore, this Court allows the instant Interlocutory Application and condone the delay of 89 days in preferring the connected criminal appeal.

The Registry is directed to register the connected Criminal Appeal and list it after one week on a date to be fixed by the Registry.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant