

GAHC010207192024



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

Case No. : I.A.(Crl.)/973/2024

NAGINA BORDOLOI
S/O SRI JAMUNA BORDOLOI,
RESIDENT OF VILLAGE BHURBANDHA LALUNG CHUBA, PS MORIGAON,
DIST MORIGAON, ASSAM 782104

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:MD. ISLAMUDDIN
S/O LATE SAHAR ALI

RESIDENT OF BHURBANDHA VILLAGE
PO MIKIRBHETA
DIST MORIGAON
ASSAM 78210

Advocate for the Petitioner : DR G J SHARMA,

Advocate for the Respondent : PP, ASSAM,

Linked Case :

NAGINA BORDOLOI

VERSUS

THE STATE OF ASSAM AND ANR

Advocate for : DR G J SHARMA
Advocate for : appearing for THE STATE OF ASSAM AND ANR
Linked Case :
NAGINA BORDOLOI
VERSUS
THE STATE OF ASSAM AND ANR

Advocate for : DR G J SHARMA
Advocate for : appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21.10.2024

Heard Mr. G.J. Sarma, learned counsel for the applicant, Sri Nagina Bordoloi, who has filed this application under Section 5 of the Limitation Act, 1963 for condoning the delay of 74 days in filing the Criminal Appeal under Section 415(2) of the BNSS, 2023 against the impugned judgment and order dated 04.05.2024, passed by the learned Addl. Sessions Judge-Cum- Special Judge (POCSO), Morigaon in POCSO Case No. 35/2020 arising out of Morigaon P.S. Case No. 515/2018 under Section 376AB/511/341 IPC.

Heard learned P.P. Mr. K. Baishya, appearing for the State respondent.

The learned counsel for the applicant has submitted that it was not in his knowledge that another petition for condonation of delay was filed against the said impugned judgment and order which has been registered as I.A. (Crl.) No. 937/2024 arising out of Crl. Appeal filing No. 8542/2024. It has come to the knowledge of the petitioner that the said application I.A. (Crl.) No. 937/2024

has been filed by an NGO in connection with POCSO Case No. 35/2020, which was filed on 16.09.2024 whereas the present application has been filed on 27.09.2024 and has thus prayed for withdrawal of this petition with a prayer for condonation of delay.

I have considered the submission at the bar.

As the present appeal has not been registered, the prayer for withdrawal of the present condonation petition filed under Section 5 of the Limitation Act is hereby allowed.

Therefore, this petition is dismissed on withdrawal.

The matter stands closed.

JUDGE

Comparing Assistant