

GAHC010233252023



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

Case No. : I.A.(Crl.)/996/2023

PRANAB KUMAR DAS
S/O LT. KRISHNA KUMAR DAS
R/O RAJABARI HOUSE NO. 8,
UZAN BAZAR (RIVER SIDE)
P.O. UZAN BAZAR, P.S. LATASIL
DIST. KAMRUP (M), ASSAM
GUWAHATI-01

VERSUS

STATE OF ASSAM AND ANR (E)
REP. BY THE PP, ASSAM

2:SMTI. PRABHA DEVI
W/O SRI AJIT KUMAR BARUAH
R/O GITA NAGAR
SONARAM PATH
HOUSE NO. 03
P.S. GITANAGAR
DIST. KAMRUP (M)
ASSAM
GUWAHATI-78102

Advocate for the Petitioner : MR. B. DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 27.02.2024

Heard Mr. B. Das, learned counsel for the applicant. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

Vide Order dated 13.12.2023, the applicant was directed to take steps for service of notice on respondent No. 2 through paper publication. Accordingly, Mr. B. Das, learned counsel for the applicant, submits that they have already taken steps through paper publication and also filed an affidavit to that effect.

However, none represented on behalf of the respondent No. 2.

The present interlocutory application has been filed under Section 5 of the Limitation Act, 1963, praying for condonation of delay of 41 days in preferring the connected criminal revision petition, which has been instituted against the judgment and order dated 30.05.2023, passed by the learned Additional Sessions Judge No. 5, Kamrup(M), Guwahati in CrI. Appeal No. 174/2019, arising out of C.R. Case No. 1657/2016, whereby the appeal was dismissed and conviction order passed against the present applicant under Section 138 of the N.I. Act was upheld.

It is submitted by Mr. B. Das, learned counsel for the applicant, that the present applicant is suffering from Clonic Seizure along with other diseases like T2 DH, Hypertension etc. and due which, he had to take voluntary retirement

from his service in the year 2018 and since 2021, he is under treatment. He could not contact his engaged counsel and could not file the criminal revision petition within the stipulated period of limitation only due to his illness and to substantiate the same, he also filed sufficient medical documents.

In this context, Mr. K. K. Parasar, learned Additional Public Prosecutor, has submitted that the State has no objection if the delay of 41 days is condoned.

Considering the submissions made by the learned counsels for both sides, grounds taken in the present application and also for the ends of justice, the present Interlocutory Application for condonation of delay is hereby allowed and the delay of 41 days in preferring the connected criminal revision petition stands condoned.

Registry to register the connected criminal revision petition and shall list the same for Admission Hearing in its usual course.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant