

GAHC010236132024



2024:GAU-AS:11834

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

Case No. : I.A.(Crl.)/1075/2024

BIPUL SONOWAL @ BIHUWA
S/O. LATE DIMBESWAR SONOWAL, R/O. BAM RAJBARI, P/S. DEMOW,
DIST.- SIVSAGAR, ASSAM, PIN-785671.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM.

Advocate for the Petitioner : MRS. S KHATANIAR,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.11.2024

Heard Ms. S. Khataniar, learned Legal Aid Counsel for the applicant. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 5 of the Limitation Act, 1963, praying for condonation of delay of 570 days in preferring the connected criminal jail appeal.

It is submitted by Ms. Khataniar, learned Legal Aid Counsel for the applicant, that there was a delay of 570 days in preferring the connected appeal as the relevant documents were not furnished by the Legal Service Authority to her, though the copy of the judgment and order was already furnished to her. The judgment was delivered on 15.02.2023 and she had received the copy of the same on 23.07.2024, but no other relevant documents were furnished to her for preferring the appeal. Thus, she submitted that there is no negligence or laches on the part of the appellant and the delay in preferring the connected appeal has occurred or the appeal could not be preferred within the statutory period of time only because of non-receipt of relevant documents from the authority concerned. Accordingly, she prayed for condoning the delay of 570 days in preferring the appeal.

In this context, Mr. Goswami, learned Additional Public Prosecutor, submitted that since this is a statutory appeal, the State has no objection if the appeal is registered by condoning the delay 570 days.

Considering the submissions made by the learned counsels for both sides and also considering the grounds taken in the application, I find it appropriate to allow this Interlocutory Application. Accordingly, the delay of 570 days in preferring the connected criminal jail appeal stands condoned.

Registry to register the connected criminal jail appeal and list the same for Admission hearing in its usual course.

The Interlocutory Application stands disposed of in terms above.

JUDGE

Comparing Assistant