

GAHC010243722023



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

Case No. : I.A.(Crl.)/1183/2023

ASHOK DAS
S/O SRI KAMALA KANTA DAS, R/O VILL- KEOTPARA, P.O.-MALOIBARI,
P.S.-KHETRI, DIST-KAMRUP (M), ASSAM

VERSUS

SMT. CHAMIKA DAS
W/O ASHOK DAS, D/O SRI BOREN DAS, R/O VILL- KUOPAR, MALOIBARI,
P.O.-MALOIBARI, KHETRI, DIST- KAMRUP (M), ASSAM

Advocate for the Petitioner : MR. K BHATTACHARJEE

Advocate for the Respondent : MR. P SAIKIA (LEGAL AID COUNSEL)

Linked Case :

ASHOK DAS

VERSUS

CHAMIKA DAS (B)

Advocate for : MR. K BHATTACHARJEE
Advocate for : appearing for CHAMIKA DAS (B)

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 06.03.2024

Heard Mr. K. Bhattacharjee, the learned counsel for the applicant and Mr. P. Saikia, learned legal aid counsel for the respondent.

This is an application under Section 5 of the Limitation Act for condoning the delay of 12 days in preferring the connected criminal revision petition against the judgment and order dated 01.07.2023, passed by the learned Principal Judge, Family Court, Guwahati in FC (Crl.) Case No. 23/2019.

It is submitted by the learned counsel for the applicant that the impugned order was passed ex-party and he was not aware of the order and on coming to know about the passing of order by the trial court, he applied for certified copy and thereafter he made contact with advocate and the counsel was not in a position to file connected revision within time, which cause delay of 12 days in preferring the connected revision petition.

In this context, Mr. Saikia has submitted that the explanation made in paragraph 7 is not satisfactorily explained and he obtained certified copy after 2 months from the date of order passed by the learned court below. However, he has no objection if the delay is condoned and the connected revision petition is registered.

After hearing the learned counsel for both the parties and considering the materials available on record and the explanation made in paragraph 7 of the

petitioner, this court finds that the explanation is satisfactorily explained and accordingly, the delay of 12 days is hereby condoned in preferring the connected revision.

The IA. Stands disposed of.

The Registry is directed to register the revision petition and list accordingly.

JUDGE

Comparing Assistant